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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

17° & 18° VICTORIÆ, 1854.

VOL. CXXXV.

COMPRISING THE PERIOD FROM

THE ELEVENTH DAY OF JULY,

TO

THE TWELFTH DAY OF AUGUST, 1854.

Sixth and last Volume of the Session.

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HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Sixteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*
appointed to meet 20 August, 1852, and from thence
continued till 31 January, 1854, in the Seventeenth Year
of the Reign of

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, July 11, 1854.

MINUTES.] PUBLIC BILLS.—2ª Portland, &c., Chapels.

Reported—Ecclesiastical Courts; Public Revenue and Consolidated Fund Charges.

3ª and *passed*—Indemnity; Insurance on Lives (Abatement of Income Tax) Continuance; Poor Law Board Continuance; Turnpike Acts Continuance (Ireland); Union Charges Continuance; Holyhead Harbours; Dublin Carriage; Linen, &c. Manufactures (Ireland).

LAW OF LANDLORD AND TENANT (IRELAND) BILLS.

THE EARL OF DONOUGHMORE said, he had a question to put to the noble Duke (the Duke of Newcastle) of which he had not given him notice, as the circumstance to which it related had only come to his knowledge within the last hour; but as the matter was of very considerable importance, he trusted the noble Duke would excuse his alluding to it. It might be in the recollection of their Lordships, that various Bills had been introduced in that and the other House of Parliament by the Government and by private individuals, with a view of settling the much-vexed question of the law of landlord and tenant in Ireland. Those Bills were referred to a Select Committee of their Lordships for consideration. In that Committee, after much time and labour had been expended on the work, two measures were elaborated, which were for the most part identical with the measure introduced by the noble Duke. The third reading of these Bills was moved by the noble Duke the Lord Privy Seal (the Duke of Argyll); they were passed and sent down to the other House of Parliament. He had been informed, however, that notwithstanding that circumstance, Her Majesty's Government in the other House had distinctly denied that they were responsible for these measures, and that they had accordingly thrown the onus of carrying them through upon private Members; but he was still more surprised to hear it announced that there was no intention of proceeding with them at all during the present Session. Now, he did hope that when so large a number of their Lordships' House had been put to the trouble and inconvenience of attending the most laborious Committee which had elaborated the two Bills, Government would have kept faith with their Lordships; and at the same time he did hope that the Government would have assumed the full responsibility of carrying them through. He therefore wished to know from the noble Duke, whether it was a fact that the Bills were not to be proceeded with this Session.

THE DUKE OF NEWCASTLE said, he had only just heard of the withdrawal of the Bills alluded to by the noble Earl, from the noble Marquess sitting opposite to him (the Marquess of Bath), and he consequently had had no opportunity of conferring with any of the Members of the Government in the other House of Parliament as to the circumstances connected with it. He supposed, however, it had taken place at the morning sitting of that day. However, he would of course make himself fully acquainted with all the causes which had led to the adoption of that course, and he should take care to inform the noble Earl what had induced the Government to act as it had done. All he knew of the matter was, that it had always been intended, if the circumstances of the Session allowed, to carry the Bills through this year. The noble Earl must be aware, however, from the experience of their Lordships' House—and the rule would apply with much greater force in the case of the lower House—how easy it was to delay the passing of a measure if only a few persons were bent on opposing it; and as it would appear that the two Bills in question were threatened with such an opposition in the other House, it might have been found impossible to get them through during what remained of the present Session. As to the Government being responsible for the conduct of the Bills, all he could say was, that the Government were not parties to framing the Bills in any way. The Bills were not party Bills, and had not been looked upon as such; but though, technically speaking, they might not be Government Bills, there was no doubt that Government had adopted them in their essence. They were introduced by the law officers of the late Government, were then taken up by the Members of the present Government, and in an altered shape came before their Lordships' House, when they were referred to a Select Committee, of which the noble Duke the Lord Privy Seal was Chairman. He was quite sure that there was no unfair repudiation of the Bills intended by the Government; and though he could not as yet say under what circumstances the Bills had been withdrawn, he was quite satisfied that that course had not been adopted from any dislike entertained by the Government to the character of the measures.

THE EARL OF MALMESBURY said, as a Member of the Select Committee which had elaborated the two measures referred to by the noble Earl, and as one who had taken a prominent part in the discussions of last Session, when the subject was brought before their Lordships, he could not help expressing his sincere surprise and deep regret at the course which Her Majesty's Government intended to take; at the same time he readily acknowledged the noble Duke was justified in deprecating any further discussion at the present moment in reference to this topic, as he certainly appeared not to have had an opportunity of possessing himself of the necessary details. But at the same time he could not help saying how strange it was that a Member of the Cabinet, and he too a Secretary of State, should not have known what were the intentions of the Government upon so important a matter until the last five minutes. He would ask their Lordships, was it not a subject for most legitimate and natural surprise that the abandonment of a number of most material Bills should have been decided on, and yet that the noble Duke, whose peculiar measures they might be considered to be, was obliged to tell them that he was able to give no information as to the causes of such a proceeding? However, he judged the matter of so much importance—important, not merely in its relation to the loss of the measures in question, but as involving the conduct, not merely of the present Administration, but of all Governments, towards their Lordships House—that it was his intention to bring the subject formally before them on Thursday next. He certainly understood that the noble Duke opposite (the Duke of Argyll), who had acted as Chairman of the Select Committee, had spoken in the name of the Government, and under authority, when he told the Committee that the Government would interest itself in the passing of the measures through the House of Commons. He was, therefore, much surprised at hearing the Bills were about to be withdrawn without any apparent reason, and he could not help contrasting the conduct evinced by the noble Duke last year—when, within seven or eight days of the termination of the Session, he peremptorily charged their Lordships with the duty of passing the Bills — nay, even insisting with impetuosity upon the necessity of their doing so—with the fact of his Colleagues, with a month or six weeks of this Session still before them, suddenly throwing up these Bills. Although, therefore, he could not expect the noble Duke to give any further reply upon the present occasion, he found it necessary to give notice, that on Thursday next he should again invite their Lordships' attention to the subject, when he hoped he might count on the presence of the noble Duke (the Duke of Argyll), who acted as Chairman of the Select Committee.

OXFORD UNIVERSITY BILL.

Order of the Day for receiving the Report of the Amendments read.

Viscount CANNING *moved*, That the said Report be now received.

The Earl of MALMESBURY said, that he wished to address a few words to their Lordships upon this stage of the Oxford University Bill. Their Lordships were aware that it was not the practice in their Lordships' House to place upon record any Amendments that might be moved upon Bills in the stage of this present measure unless they were agreed to. As, however, he was extremely anxious, not only on his own part, but also on the part of his noble Friend the Chancellor of the University of Oxford, who was not now present, that those Amendments which he had proposed should stand upon the records of their Lordships' House, he was induced to take the present course with the view of obtaining that object. He felt he would be consulting their Lordships' convenience by at once stating that he merely wished to be printed, and laid before their Lordships, those Amendments which had been moved by his noble Friend the Chancellor of the University of Oxford, in order that they might be duly placed upon the records of their proceedings. He, however, felt that he could not part with this Bill without expressing his regret that their Lordships should have adopted it without any of the Amendments that had been submitted to them by his noble Friend. He trusted that, in another place, where much attention and a great deal of time had been given to the consideration of the question, the Bill would be so amended as to meet at least some of the views which their Lordships on his side of the House entertained in respect to its provisions. He would occupy the time of the House but for a few moments, while he referred to the most important of those Amendments upon which their Lordships divided last Friday. In respect to the first of those Amendments, upon the question of the oaths taken by persons connected with the University, he must express his regret that some of the right rev. Prelates had not deemed it of sufficient importance to favour the House with their opinions upon the subject, involving as it did matter of conscience—he was certainly anxious to hear from them whether they thought that an Act of Parliament could relieve a man from the obligation of an oath he had once taken. He would not trespass upon the attention of the House by dwelling any further upon that point. Another Amendment moved by his noble Friend was to omit the sixth clause for the purpose of inserting another in its place, to the effect that the election of the legislative body of the University should take place by the votes of Convocation instead of Congregation. Although their Lordships were pleased to reject that Amendment, he hoped that in another place the subject would be reconsidered, because he conceived that no accident could happen to the scheme of liberalising, as it was called, the University, so fatal to that object, as the course which the majority of that House had taken in respect to this Amendment. The noble Viscount who introduced the Bill (Viscount Canning) had argued that the University was not doing its duties efficiently; that it was behind the age, and had not kept pace with the general advance of enlightenment and improvement which characterised other similar institutions. Now, what was the course usually adopted when it was deemed desirable to liberalise constituencies? Why, they naturally sought to extend those constituencies. Their Lordships had, however, in the present instance deliberately preferred to leave the election of the legislative body of the University in the hands of some 250 or 300 members, instead of extending the constituency to some 2,000 to 3,000 persons. He confessed he was at a loss to see the value or consistency of this proceeding; for it seemed to him to be a contradiction, considering the preamble of the Bill, and the constant complaints they heard of the bigotry and darkness of Oxford, to confine the constituency to this small number when they might extend it to as many thousands. Now, in respect to the question of private halls for the students—the more he considered the subject—the more he reflected upon the character and constitution of the University and the discipline that was required there, the more he was convinced that the provision for the establishment of those private halls would be attended with the most mischievous results, both as regarded the morals of the University, and the students within its walls. He knew that a great many of their Lordships were prepared to vote for and to support the Government in regard to the clauses which would admit Dissenters to the University, if the clause in respect to the halls were rejected. He had never concealed his opinion as to those halls. To use the words of the Earl of Carlisle the other evening, he believed they would be "retreats for Dissenters." He should be sorry if his feelings towards the Dissenters should be misunderstood. In his opinion, there was no arrogance so objectionable as the arrogance of religious orthodoxy. There was nothing which so shocked him in private life as when he saw a man presumptuously stating that he was right, and that all who held different views were wrong; and he was more disgusted when he heard this said on subjects of religious doctrine and conscience than on any others. In respect to Dissenters, and those others who differed from him in religious opinions, he had always held that they were entitled to be treated upon a footing of equality with himself. He flattered himself that in his own humble and private way he had set an example of this principle. He had been frequently remonstrated with by ministers of the Church of England for not being more exclusive in his dealings, in the employment of his labourers, and the selection of his tenantry; he had always positively refused to adopt any such principle, for he thought that no such differences should exist in private life or upon private business. But this was a peculiar case. In his view the establishment of the University of Oxford was originally intended to be wedded, and closely wedded, to our Church and State. And although he was aware that it had received many endowments from Roman Catholics, and that the University had for centuries existed under the will and by the funds of Roman Catholics, he recollected, too, that during that time the Roman Catholic religion was the State religion, and it ceased only to be the State religion when the Reformation was accomplished. The law then changed the nature of the case, and the Reformed religion became the State religion, and he saw no reason why after eight centuries we should alter the recognised character and constitution of the University in connection with the Church that was established by the State. Now, one or two things he thought must necessarily happen upon the admission of Dissenters to the University. First, it could hardly be expected that the number of Dissenters admitted to the University would remain exactly the same within its walls; they would either convert the members of the Church, or they would be converted by those members. The noble Duke opposite thought it would be more likely that the Dissenters would be converted by the members of the Anglican Church. He (the Earl of Malmesbury) was not prepared to agree with the noble Duke that the Dissenters would necessarily have the worst of the trial, if worst it could be called. They must remember that by the Bill any member of Convocation might establish there a hall, if licensed. [Lord CAMPBELL was understood to intimate that it was at the discretion of the Vice Chancellor.] Now, he was almost disposed to consider his noble and learned Friend, while presiding in his court, as infallible; but he must be excused for saying that he had no such high opinion of his judgment in that House. It appeared by this Bill that the Vice Chancellor had no choice, if the party agree to certain conditions mentioned in the Bill, than to give him a licence for the establishment of a private hall. He did not think he was acting offensively in mentioning the name of Dr. Newman in relation to his argument. During a considerable part of the time Dr. Newman was in Oxford, if this Bill were then in operation, he would have been in a position to claim a right to establish a hall. Their Lordships might easily guess what the consequences would have been. They knew that Dr. Newman did not all at once become a convert; he was for some years gradually descending from the position in which he originally stood, and accepting the creeds of another Church. Dr. Newman's great object at that time was to convert to his own religious opinions as many as he could. Well, then, supposing that the Doctor was at the head of one of those halls, he would naturally have the greatest influence over the religious opinions of the students that frequented it. There was another strong argument against the establishment of these halls—he referred to the encouragement that would be given to religious disputes. He could conceive nothing more obnoxious than this in an University. For the last ten or twelve years, up to a very recent period, Oxford had been the scene of religious disputes and theological discussions. Young men of the age usually attending the University were sufficiently presumptuous and argumentative of themselves, and the introduction of religious discussion could not but be attended with prejudicial results. This was no fancy of his. Let their Lordships remember what had taken place at Oxford within no very distant period, when every private room and association was the arena of controversies about doctrines that were bandied from one side to the other with more zeal than discretion and more passion than knowledge. Now, he asked, whether it was not more likely that these angry religious dicussions would be greatly increased by the admission into the University of the champions of the Roman Catholic and of the Dissenting Churches who would be admitted into the same room, and the same society, with the members of the Church of England—and would not these private halls afford great facilities for these disputations? He conceived that there was nothing less desirable in the University of Oxford than the adoption of any measure that would give encouragement to such disputes. The life of a student at Oxford tended greatly to encourage the spirit of controversy. The students there had not the same occupation or amusements which young men in other large towns could command; and he could conceive nothing more natural than that young men should rush into those argumentative disputes upon religion which had lately brought so much evil upon the country, and so much scandal upon the Church. His noble Friend opposite said that the admission of Dissenters into the Scotch schools connected with the Church was attended with no such evils as had been referred to. He denied that there was the slightest analogy between the Scotch schools and the University. In the first place the Scotch schools were not bound up as the University of Oxford had been for centuries with the State religion; and, in the second place, the students in the Scotch schools were of a much younger age generally than those that were to be found in the Universities. Most anxious that his feelings with respect to the Dissenters and Roman Catholics should not be misunderstood, he trusted he had explained, clearly and distinctly, on what grounds, and on what grounds alone, he objected to their admission to the University; and he further must express his hope that when the Bill had left their Lordships' House some parts of it to which he entertained objection would be revised in another place.

EARL DELAWARR was anxious to express, in a very few words, his decided opposition to this Bill, as a measure which was based upon injustice, and was likely to introduce discord where peace and harmony had formerly prevailed. He regretted deeply the manner in which the measure had been dealt with. In passing through the other House of Parliament, the Bill had been modified in several material particulars and with respect to some of its most objectionable provisions, and deeply did he regret to find that in passing through their Lordships' House, not only had every attempt at further improvement been successfully resisted, but it had been actually reinvested with much of that mischievous character of which the decisions of the House of Commons had partially deprived it. But if he had before objected to the measure, his objections had been materially strengthened by what he had heard in that House. The private halls which it was proposed to establish had been spoken of by a noble Earl, the other night, as likely to become retreats for Dissenters; and if it had been correctly assumed with respect to the students in those halls that they would not be required to attend the chapel worship, it would follow, as a necessary consequence, that they would not be able to enforce attendance on the divinity lectures of the University; and, in that case, what became of the protestations of noble Lords and right rev. Prelates opposite, that nothing would induce them to introduce anything which would in any way involve a departure upon the part of the University from her standard of teaching and doctrine? With respect to the expenses of education in private halls, much of what had been said was based upon fallacy and delusion. He held in his hand a statement, with which he would not trouble their Lordships, but which showed incontrovertibly that the necessary expenses in these new institutions must be greater than they were in the colleges, and that, taking the very lowest estimate, they could not be less than 21*l.* per term in the former case, as against 15*l.* in the latter. He could not but consider that there lurked in the present measure a desire to impair that close connection between the University and the established religion of the country, by which it had been hitherto so prominently distinguished, and which had caused it to be considered, not only in England, but throughout the civilised world, as the great bulwark of our Constitution in Church and State. Feeling so strongly as he did upon this subject, he deeply regretted that those right rev. Prelates who ought to have thrown their shields around the University had paired with those who had attacked its rights and privileges.

The Earl of CARNARVON said, that he totally dissented from those provisions in the abstract which provided for the admission of Dissenters, and had consented to the Amendment, not because it involved his own views, but because it amounted to a mitigation of the evil. He objected to those provisions because they had formed no part of the original measure, and had no original connection with it, and because he considered it at variance with the permissive character of the Bill. But, beyond this, by the early clauses of the Bill, the Government had proceeded to frame a constitution which he admitted to be wise, and sound, and rational—which, upon their own hypothesis, was likely to work well, and had all the elements of reformation—and yet, before that constitution had been set at work, they virtually asserted that they could repose no confidence in the governing body they had created, and acted as though no new constitution were in existence, and as though the old Hebdomadal Board were still in force. But although they had admitted Dissenters to the University, and had relieved them of tests and subscriptions, they had not advanced them one iota nearer to that which they sought, which was, not a separate existence in private halls, but the equality of collegiate life; and this they could not give them, unless they gained the co-operation of the colleges. He looked upon the admission of the Dissenters, as effected by the present measure, as a mitigation of an evil which would have been incomparably worse had they been admitted to the government of the University. He would be the first to object to any penal restrictions, but he maintained that this was a question, not so much of the admission of Dissenters to the University as of the exclusion of the Church of England—a question of disqualifying the University for the education of members of the Church. That which was asked for was more than toleration; and if it were an act of generosity upon the part of Parliament towards one class, it was an act of generosity done at the expense of another. If it were *summum jus* it was also *summa injuria;* and if the effort should be crowned with success, he thought that the results were less likely to be peace and harmony than disorder and disunion. He could not forget that the Church of England was bound up with the University in all its associations; that it had followed that Church through evil report and good report, and was its organ and exponent in the great matter of education; and it seemed to him inevitable that if this policy were to be pursued further, its tendency must be to force the members of the Church of England to seek repose in other quarters, and to drive them into other institutions, as free as possible from Government control.

Lord MONTEAGLE said, he was anxious to explain the vote he had given on a former occasion. He trusted that no one could imagine that he had voted against the establishment of private halls from apprehending any dangerous influence resulting from the admission of Dissenters; on the contrary, there was no portion of the Bill to which he attached so much importance as that which provided for the admission of Dissenters, because he believed that their admission would conduce to the interests of the University, to the interests of the Church, and to the interests of the great Dissenting bodies themselves. He believed, however, that to admit them at all with any hope of a beneficial result, they must admit them generously, and without any feelings of mistrust, upon the very terms of which his noble Friend was most apprehensive—upon terms of perfect equality. They would neither do justice to their own intentions nor make their legislation operative for good, if they intended to admit Dissenters upon terms which were unbecoming and unjust. He could not think that their unreserved admission would do any mischief to the Church or to the University. He felt that he might speak with authority much higher than his own upon this point, because, as long back as the year 1834, he had presented to the other House of Parliament a petition in favour of the admission of Dissenters to the University, which was signed by four of the most distinguished members of the episcopacy of this country, and by some of the most distinguished members of the University, by the Archbishop of York, Bishop Thirlwall, the late exalted Bishop Boustead, the Dean of Ely, the Astronomer Royal (Professor Airey), and many others equally known to Europe. Earl Grey had presented at the same time a similar petition to this House. He was entitled, therefore, to say, on the authority of those great men, that the admission of Dissenters would do no mischief whatever to the University. This petition simply entreated Parliament to allow the admission of Dissenters to the University. There was no question at that time of admitting Dissenters into a position which might be considered by themselves—or which might ultimately be understood by others, although not intended by those by whom the present Bill was proposed—to be degrading, unfavourable, or unequal; he thought that, unless they admitted the Dissenters upon terms which, as being just, ought to satisfy them, they had better not admit them at all. But if there were danger to the Church—which he denied if they dealt with this matter rightly—he thought that that danger would be created and carried to its greatest height if the Dissenters in the University were to be admitted on terms of inferiority, formed into small confederacies through the agency of these private halls, and cut off from communion and companionship with the undergraduate members of the Church who might be pursuing their education at the Universities. His noble Friend behind him (the Earl of Carnarvon) seemed to think that the admission of Dissenters was inconsistent with the principle—which he (Lord Monteagle) advocated as strongly as his noble Friend—of preserving the government of the colleges to the Church of England. But was it impossible to obtain this object without abandoning the other? It was not impossible to obtain it, unless, indeed, we were to assume that the Universities of England and the people of England were much less moderate, much less calm, much more likely to be excited by the violence of religious faction, than the Universities and the people of Ireland. From the year 1793 Roman Catholics and Dissenters had been admitted to the University of Dublin, and what had been the effect? Had it deranged in any degree the government of that University? Had it made the University less attached to the Church, or less effective as a school for the education of its members and ministers, than it would have been if the Roman Catholics and Dissenters had never been admitted? He had heard many charges against the University of Dublin, but he had never yet heard it alleged against her that she was not sufficiently orthodox to satisfy the desires even of the most orthodox among their Lordships. Well, then, if that were so, why could they not boldly effect at Oxford what had been already done at Dublin, and at once admit Dissenters frankly and freely—not into places which had been called "retreats," in which it is to be presumed they were to lurk and conceal themselves—but admit them in the open day to the full benefit of the education of the place, and allow them to take degrees in common with all other persons who received their education at that University? What was the object of these halls, and to what would their establishment lead? Were there not dangers to be apprehended *intra muros et extra?* Were there not persons now members of Convocation, who, under the provisions of this Bill, might set up schools or establishments of their own, under the name of private halls, in which something worse might be taught than any Dissenter would be likely to introduce? Might not undergraduates be taught to desert the doctrines, and yet adhere to the ordinances, of our Church under a false allegiance. It was said that there was power to refuse a licence for the establishment of a hall to any member of Convocation who might apply for it. But, as he read the Bill, it was obligatory on the authorities of the University to grant such a licence. He would take one case as an example. Mr. Newman, he believed, was at this moment a member of Convocation, and if he should apply for a licence for the establishment of a hall at Oxford, could he be refused, or had he a right to claim his admission? As he read the clause he must be admitted, because the only qualification prescribed was, that the applicant should be a member of Convocation. His great objection, however, to these private halls did not rest upon the possibility of a case of this kind occurring, but upon the fact that, by establishing these halls contemporaneously with the admission of Dissenters, they were practically proclaiming to Dissenters that they might enter these halls, but that these were the only places of education at Oxford into which they would be allowed to enter. He thought this would be objectionable to Dissenters, and dangerous to the Church and to the University, because it would draw a distinction between two classes, one belonging to the ancient colleges, and the other to these new halls, and with such a distinction, founded, as it would be, on religious grounds, they never could expect to see cordiality and good fellowship established. On the other hand, if they adopted the system of the University of Dublin, frankly admitting all to degrees, without admitting Dissenters to the government of the colleges, or of the University—he did not ask for that—they would be taking a course which, he ventured to say, would be safe to the University, a welcome concession to the Dissenters, and beneficial in every way to all classes in the State.

The Earl of CARNARVON said, he could not assent to the parallel which the noble Lord had drawn between the Universities of Oxford and Dublin. Dublin was rather an examining University than a place of education; for, if he remembered rightly, a student might reside anywhere, at the Giant's Causeway if he pleased, and only need come up to Dublin twice a year in order to pass his examination.

Viscount CANNING said, that although he was not prepared for such a discussion as the present—for he thought the objections raised went to the principle of the Bill, and would have been made more properly upon the second reading—he was by no means disposed to complain that the speeches which they had heard had been delayed until that night, because, if his noble Friends opposite had made on Thursday night the observations which they had made to-night, they would scarcely have had any possibility of escape from dividing against the second reading. He would confine himself to making a few observations upon some of the points which had been touched upon by the noble Lords who had spoken. He thought that the noble Earl opposite (the Earl of Malmesbury), who had charged against this Bill that it was an illiberal rather than a liberal measure, could scarcely have appreciated all that this Bill would effect for the benefit of the University of Oxford, and all that it would enable the University to effect for itself. That could not certainly be said to be an illiberal measure which took the government of an institution like the University out of the hands of a few men, elected for the government of their own particular societies—elected without any regard to their qualifications in reference to the University at large—holding their offices for life, and being irremovable—whose interests were frequently separate, and in many instances directly at variance from those of the persons whom they were called upon to govern. A government of that kind could not be called liberal, and could hardly be expected to produce good fruits. It was because they were deeply impressed with this consideration, that Her Majesty's Government had determined to lay the axe to the root of the evil, and to establish a principle of government which could not be characterised as illiberal—namely, a government based upon representation. His noble Friend complained that power had been taken out of the hands of the great mass of the University body in Convocation, and placed in the hands of Congregation, which was a smaller body, to the exclusion of the larger. But his noble Friend had fallen into some misapprehension with respect to the precise character of the body which he called a legislative body, created by a constituency of small numbers. He did not admit that the Hebdomadal Council was by any means correctly designated a legislative body. The legislation of the University was by no means concentrated in its hands. It would originate measures no doubt; but those measures would be subject to revision and rejection by Congregation, and Convocation would have the same power as it had had hitherto, of placing a veto upon any measure which it might think would not be advantageous to the University. The most important point on which the noble Earl had touched was that which related to private halls, and he objected to the proposed change as inconsistent with the constitution of the University, which had endured for 800 or 900 years, and had deprecated interfering with institutions so venerable. Now, he (Viscount Canning) could conceive no stronger reason, *à priori*, for reconsidering those institutions. Could his noble Friend put his finger on any one of our institutions—political, social, or religious—which had existed for anything like that time, and had not undergone great and important changes? The noble Earl had not stated the point with regard to the power of withholding licences with complete accuracy. He had stated that the Vice Chancellor would have no power to refuse a licence, if claimed by a person possessing certain qualifications. He (Viscount Canning) gave no opinion upon that point, but he wished to remind their Lordships that the University was not only authorised, but obliged, to prescribe what qualifications should be required, and what should be the conditions upon which alone the licence should be given. He did not desire to be understood as wishing that the University should act otherwise than liberally in fulfilling this obligation; but she would be perfectly mistress of her own position, and whatever qualifications or conditions she thought proper to lay down could not be barred or checked by any other authority. Dr. Newman had been referred to, and a suggestion had been made as to what might have happened if Dr. Newman had applied for a licence as master of a private hall. He supposed his noble Friend referred to the time when Dr. Newman was still a member of the Church of England, and resident, more or less, at Oxford. But surely his noble Friend would see that if it should be the pleasure of the University to leave any discretion to the Vice Chancellor who was to issue these licences—or if, in anticipation of such dangers as his noble Friend had had in his eye, it should make it necessary that the master should make a declaration of conformity with the Church of England—in any terms which the University might think proper to lay down—such conditions, framed in a cautious spirit, might surely meet the case of Dr. Newman, even at the time to which his noble Friend referred. He really did not see how the clauses relating to private halls, in connection with those relating to Dissenters, could with any justice, be considered as divorcing the University from its connection with the Church, or as likely to import into it polemical disputes. In the first place, the connection between the Church and the University, so far as it existed through the colleges, was altogether untouched by this Bill, and there was no intention on the part of the framers of the Bill to require the governing bodies of colleges to make any departure from the strictest rules of discipline and teaching which they might think best adapted to secure connection between the Church and the University in its full integrity. It was conceded on all sides that the number of Dissenters who would be admitted would, probably, be comparatively small, and he did not think their admission at all likely to increase that warfare of opinion on matters of faith which had existed whilst the University was wholly closed against Dissenters. He doubted very much whether opening the door to a certain number of such members, who would pursue their studies and mix in habits of intimacy and friendship with members of different religious opinions, would have any tendency to increase at all the asperity or animosity with which questions of faith were now discussed; he was, on the contrary, much inclined to think that a larger difference of opinion, differences more openly avowed than those which existed between members of the same Church, would have a tendency to soften those feelings of variance, rather than to exasperate them. He cordially concurred in the wish expressed by the noble Earl (the Earl of Carnarvon) with regard to the manner in which this change should have been effected. It would have given him much more satisfaction if it had been brought about by the free agency of the University itself, rather than by the intervention of an Act of Parliament; but he had explained at some length on a former occasion how it was these clauses now stood in the Bill. He explained how it had been the wish of Her Majesty's Government, to which they had openly and steadfastly adhered, that the proposal should have come from the University, and it was not until the other House had declared the contrary that they could bring themselves to deal with the question of Dissenters in this Bill at all. These clauses were, however, inserted, and he hoped he should not be considered as using any argument unworthy for their Lordships to hear or for himself to express, though he knew it was liable to some misrepresentation, when he said that, as the other House had asserted by a large majority so decided an opinion, he earnestly trusted their Lordships would not endeavour to expunge these clauses, though fully entitled to do so. He did not urge that so much on account of the feeling of the other House of Parliament as for the sake of the University, for he conceived nothing could be more disastrous to the University than to leave it uncertain as to the opinion of Parliament—assured that in one House the opinion in favour of the admission of Dissenters was strong, decided, and unmistakable, and doubtful if in the other that opinion or a contrary one was entertained. To place the University in such a position would be to cramp all exercise of freedom on the subject, and, in fact, to transfer the scene of contention from within the walls of Parliament to the University itself. Feeling as he did, that if the hands of the University had been untied she would have taken this step on her own part, he earnestly deprecated any attempt to go back to the condition in which they were when this Bill was introduced, because he thought that the real intentions of the University could not then be carried out in consequence of the course which had already been taken in Parliament.

Lord WYNFORD said, he would anticipate one great difficulty, which he did not see that the Bill would obviate. One of the most important parts of examination at Oxford was the divinity examination, and whether an undergraduate went in for the highest honours, or only an ordinary degree, the same extent of religious knowledge was exacted. Every person was required to possess, besides a knowledge of the Greek Testament, an accurate knowledge of the Thirty-nine Articles, and to be able to support that knowledge by texts from Scripture, and by his own reasoning. Such an examination, he considered, involved to a certain extent a profession of belief; and he did not see how the difficulty could be reconciled unless they exempted Dissenters from that part of the examination.

On Question, *agreed to;* Amendments *reported* accordingly; Amendments made.

On Clause 17 (Regulating the composition of Congregation).

Lord WROTTESLEY rose to propose an Amendment to that part of the clause which enacted that Congregation should consist, in addition to the persons specifically named, of "all such persons as shall be provided to be added by election or otherwise to the said Congregation by any Statute of the University approved by the Commissioners, or, after the expiry of the Commission, passed by licence of the Crown." The Amendment was to insert after the word "Crown" the following words:—"Provided that at least two-thirds of the persons so to be added shall be such as have attained high honours in the said University, or such as are distinguished in literature, science, or art." The principal object which he hoped to accomplish by the adoption of the Amendment was the encouragement of the study of physical science at the University. When he was at Oxford this branch of study was at a low ebb, and he believed it had not made much progress since. Nevertheless, it was a study of the greatest importance at the present day. In proof of this he would quote a passage from the evidence of Mr. Lowe, the Member for Kidderminster:

> "I must also,' says Mr. Lowe, "as a sincere well-wisher to the University, express my hope that the physical sciences will be brought much more prominently forward in the scheme of University education. I have seen in Australia Oxford men placed in positions in which they had reason bitterly to regret that their costly education, while making them intimately acquainted with remote events and distant nations, had left them in utter ignorance of the laws of nature, and placed them under immense disadvantages in that struggle with her which they had to maintain."

The residents of Oxford lead a life of too much seclusion, and, therefore, he availed himself of the opportunity which this clause afforded of infusing what he might call a metropolitan element into the Congregation. The proposal which the noble Earl (the Earl of Derby) made on a former evening to substitute Convocation for Congregation was not, in his opinion, judicious, because the great body of Convocation consisted of country clergymen, who knew much less about these matters than the Oxford residents; but the composition of the Congregation would be much improved by persons of the class pointed to in the Amendment. The phrase "high honours" employed in the Amendment was well understood in the University; but if any doubt prevailed on the subject, different words might be adopted to make the meaning clear. In framing the ruling body of the greatest educational institution in the country, Parliament ought to recognise the claims of education. The names of such men as Mr. Hallam and Sir Charles Lyell would confer honour on the body to which they might be attached. It was not, of course, to be supposed that these eminent men would be able to attend the meetings of the Congregation generally; but it was probable that they would be able to attend meetings for determining questions connected with studies and the appointment of professors; and their presence on such occasions would be of the greatest possible advantage, in consequence of their living in the world and being cognisant of the state of public opinion and of education at the present time. Whatever might be the result of his Motion, he could not regret having had the opportunity of advocating the extension of physical education, and he would at all times gladly lend a helping hand to improve an institution in which he must ever take a lively and enduring interest.

VISCOUNT CANNING said, the tying the hands of the University was entirely contrary to the whole spirit in which the Bill was framed. There was great difficulty also in describing accurately the precise meaning of what they had in their minds. The expression used in the noble Lord's Amendment was, "such as have attained high honours." Now he could easily conceive the case of a double second-class man, who, perhaps, not aiming at honours, had been invited subsequently to continue his examination. He believed they might, with perfect safety, leave the University free and unrestrained, confident that the object of the noble Lord's proposal, in which the Government sympathised, would be attained.

Amendment *negatived.*

THE BISHOP OF CHICHESTER suggested that a preliminary examination for students entering the University would have a good effect on the schools where the youths of the middle and upper classes were educated, and tend to remove the great difficulty at Oxford, the inefficiency of the previous training of the undergraduates.

On Clause 28,

THE BISHOP OF OXFORD said, that before their Lordships passed the 28th clause he wished to make an explanation with regard to an argument which he used upon the clause in Committee. Their Lordships would remember that upon that occasion he argued in favour of giving power to the colleges to convert their class fellowships into exhibitions, and maintained that those fellowships did not give so much encouragement to the schools with which they were connected as the same amount of endowment would give if thrown into the form of exhibitions. In urging that argument upon their Lordships he alluded to the case of the Abingdon School and Pembroke College; but the report of what he then addressed to their Lordships had been much misunderstood by a party greatly interested in that report. The Master of the Abingdon School felt himself aggrieved, because he understood from the report that the present state of the school was spoken of as being depressed and abject. That, however, was not what he said. What he was urging upon their Lordships at the time was, that the Abingdon School was a good example of the little encouragement which close fellowships give to the school itself; but he was not alluding to the present condition of the school, because he knew that the Abingdon School had lately had the advantage of an active master, who had done a great deal to raise its character. He was referring to the state of the school a few years ago, when, with all the advantages of its close fellowships, it was reduced to nine scholars, not having one single boarder among them. Therefore, his argument was conclusive; but he did not mean to say what the reverend gentleman had understood him to say, that the Abingdon School was at the present time in a state which would prevent parents sending their children to it; he knew, indeed, that the present master had made great efforts to improve the condition of the school, and with very considerable expense.

VISCOUNT CANNING said, that he had received a letter from the Bishop of Exeter with reference to the published report of what he had said while discussing the 28th clause upon a former occasion. The Bishop stated that he was reported to have said, with regard to the case of Exeter College, that the bishop of the diocese as visitor had refused his assent to any change in the Statutes of the college. If he did use those words, which he certainly was inclined to think he did not use, it was not right to have done so, because he was fully aware that the Bishop of Exeter had, upon many very important points, assented to suggestions made to him by the authorities of Exeter College. But he was also aware—which, indeed, the Bishop stated in his letter—that upon other points he had either delayed or refused his assent to the suggestions of the college; and accordingly he did cite the case of Exeter College and its visitor, because in replying to Lord Derby, who pressed upon him very strongly the propriety of requiring the consent of the visitor to any step taken towards the improvement of the college, he argued that that would be a very doubtful benefit to the college itself, inasmuch as, if the consent of the visitor was necessary, and if the visitor upon any point should refuse his consent to a proposed change, the consequence would be that the college would by that refusal at once lapse into the hands of the Commissioners, and, instead of being at liberty to deal with its own affairs upon its own rules, would pass over to the judgment of the Commissioners acting upon theirs.

Upon the 43rd clause (providing that no oath should be necessary on taking a degree, save the oath of allegiance),

LORD WROTTESLEY moved the following addition to the clause—

> "But such degree shall not as such constitute any qualification for the holding of any office which has been heretofore always held by a member of the Church of England, and for which such degree in the said University has heretofore constituted one of the qualifications, until the person obtaining such degree shall have subscribed a declaration before a magistrate testifying that he is a member of such Church."

LORD REDESDALE said, that the intention of the proposed addition was very good, and one in which he entirely concurred.

THE LORD CHANCELLOR thought that the effect of the Amendment would be to make the clause more stringent, which he was sure was not the object their Lordships had in view.

THE BISHOP OF OXFORD suggested that the 43rd clause should be omitted altogether, and the following substituted—

> "Such a degree shall not constitute any qualification for the holding of any office which has been heretofore always held by a member of the Church of England, unless the person on taking his degree shall have made the declaration now prescribed by law."

THE BISHOP OF MANCHESTER thought that the clause suggested by the right rev. Prelate would be more stringent than that in the Bill as it now stood.

LORD WROTTESLEY said, he would not press his Amendment.

Clause *agreed to.*

Further Amendments made; and Bill to be read 3ª on *Thursday* next.

THE CENSUS OF 1851—RELIGIOUS WORSHIP.

THE BISHOP OF OXFORD rose to move for the production of the documents of which he had given notice, namely, the details on which the returns of the Religious Census had been founded. At the time of the taking of the last Census in 1851, certain papers were sent round in order to obtain information relating to the religious worship of the population. Objections were taken by him (the Bishop of Oxford) in their Lordships' House to the sending round of those papers, on the ground that it was beyond the power vested in the Secretary of State; and he had subsequently taken occasion to point out the evils which he thought would be likely to arise from papers of that important nature being circulated, without there being any power to compel the information required to be sent in. He had pointed out that those returns must be entirely dependent on the good-will of those who were expected to furnish them, and that there must necessarily be a risk of mistakes, and even deception, occurring in them. The returns, however, were made in the manner originally proposed, and were now published, embodied in a general statement issued from the Registrar General's Office, as part of the results of the Census of 1851. This statement certainly did infinite credit to the gentleman who had drawn it up, and he had evidently applied himself to his very difficult task with a determination to do his best by it. He was very far from undervaluing the result of this gentleman's labours; but he thought it must be allowed that a great public document such as this had become, which professed to fix the relative number of the members of the Established Church and of those dissenting from it throughout England and Wales, in proportion to its importance ought also to be accurate, and that to spread inaccurate statements on such a subject would be a fertile source of many evils. This Census of Religious Worship had been referred to and used in that manner, and that marked the exceeding importance that such documents, if they came at all stamped with the weight of public authority, should be accurate, and not misleading documents. He had no complaint whatever to make of the Office of the Registrar General; the gentlemen employed showed no want of care on their part in making the returns; but the fault was to be traced to the returns which were given to them as the data on which the public returns were to be founded by those who furnished the subject-matter of the reports—namely, the clergy of the Established Church and the ministers of the different Dissenting bodies. With respect to the clergy, many of them refused to send in any returns; and the consequence was, that applications were obliged to be made to the churchwardens, or any other person who could assist in the matter, or take any trouble about it.

For this reason the numbers given in the official documents as purporting to belong to the Church of England were oftentimes very loosely put together, and considerably less than such numbers really were. In his own diocese, in which not a very great number of clergymen refused to send the return, he had desired that every clergyman should take the trouble, on several consecutive Sundays, to have the congregations numbered, and to send him the average of the congregations so numbered. The numbers in his diocese were 117,421 according to that enumeration; but in the same year the return of the Registrar General only gave the numbers at 98,410—a considerable difference. But the greatest mis-statements in the reports occurred, not from our own numbers being lessened, but from the numbers of the Dissenters of nearly all denominations being greatly exaggerated and set forth. He hoped that their Lordships would acquit him, in dealing with this subject, of any desire to speak uncharitably or in a spirit of undue disparagement of those connected with the great Dissenting bodies, for nothing could be further from his desire, and he could not feel otherwise than glad at heart at seeing that so many of those who did not worship in the church were engaged in the worship of God elsewhere; but the reason why he brought forward the subject of these returns was, that they were made use of to militate against the interest of the Church, and to give an unfair impression of what the numbers of persons belonging to the Church of England really were as compared to the Dissenting bodies. He had, therefore, taken the trouble to ascertain in detail how far the statement respecting the persons who attended worship in these places was accurate in this Census return, and he hoped their Lordships would not think there was any uncharitable feeling in his mind when he stated that the result showed that a great increase had been made in the returns to the real numbers of the Dissenters. He was by no means surprised that such errors should have been committed. Many of their ministers were not often in the same rank of life as the clergy of the Established Church. There was no doubt that in large Dissenting chapels in large towns the ministers were men of education, and he had no doubt that, if inquiries of this kind were addressed to them, their returns would be honestly made; but those inquiries were extended to very little places—to all the small licensed rooms in remote villages—to men who had not the advantages of education—and who were not the objects of general view and observation; and with regard to these he had no hesitation in saying there was continually a misrepresentation in point of fact as to the relative numbers of the members of the Established Church and of the Dissenters. He should give a few extracts to their Lordships from answers received by him to letters from different parts of the country, and as he had the name and address and character of the persons who had written each one of those letters, he was able, therefore, to give a verification of the statements contained in them. The statements were such as these:—in one parish the Dissenters filled their place of assembly on purpose to swell the numbers in the return; in another many attended in the evening who had been counted previously as belonging to a different Dissenting congregation; another correspondent was informed that the numbers of the Dissenters were much exaggerated; another said that a fair average was not given; in one parish almost all the Dissenters from the next parish attended, and *vice versâ*, the services being held at different hours, and so they were counted twice over in both parishes. Again, special sermons were preached in a neighbourhood in all the meeting-houses, to attract congregations and swell the returns. Again, it was stated that the return respecting the Church was sent in by a Dissenter in a neighbouring town. Again, another writer had reason to believe that the same person attended the services of different denominations on the day of the enumeration. Another writer had reason to think that the Dissenters were particularly active on that day in requesting attendance at their conventicles. Again, it was stated that in some cases the meeting-houses could not hold the numbers that were returned except the congregation was composed of very small children. Again, it was stated that the return from the Wesleyans was greatly exaggerated, and that the Dissenters had filled their chapels by advertising popular preachers and withdrawing many of the children from the national schools on that day. Another writer stated that there were no efforts made as respected the Church, and that the unfavourable state of the weather had kept many persons who lived at a distance from attending at church on the Census Sunday, while the preachers at some of the Dissenting chapels had given notice that it was to be a trial of strength between the Church and the Dissenters, and the congregations were to muster in strength. That statement had particular reference to the Baptist and Independent chapels. Another writer said that some of them returned double the numbers the chapels would contain. Another person wrote to him that he had no doubt he was right about the Census; that the clergy were careless and indifferent about it, having no notice of the use to which the returns would be put, and looking upon many of the questions as impertinent or intrusive, and they either neglected them, or else had no means of giving an accurate statement, whereas the Dissenters were wide awake on the occasion. Another writer stated that the return was made in his locality by parties hostile to the Church. Another writer said that the particular person who made the return was so hostile to the Church that he would never come within it as secretary of a certain charitable body, though all the other members of the society attended. Another writer begged to express his conviction that the Census returns were really worth nothing; that in many instances there was no return of attendants made by the clergy, and that he found that three congregations of Dissenters in separate chapels consisted of the same persons. He (the Bishop of Oxford) had received many other statements of the same kind, and his object was to show their Lordships that returns obtained by this process could not be relied upon as being true statements of the relative numbers of the two bodies. There was an important fact to which he should call their Lordships' attention—namely, that in the Census returns themselves, for the town of Liverpool the number of sittings given for the Roman Catholics amounted to 8,806, while at the same time the number of attendants in one morning was represented to be 27,650. In Manchester there was the same disproportion, and in the parish of St. Giles's a still greater. In St. Giles's the return of sittings was 460, but the attendants were put down at 3,000. It appeared that 286 persons were put down as belonging to the Established Church for a whole union; whereas it was stated by a clergyman that he had returned 550 as attending his own single church in that union. The answer was, to thank him for pointing out the omission, and to state that the numbers attending at his church had been accidentally omitted. So that, in that case, the numbers should be 836 instead of 286—a very material difference, but certainly an accident that might happen in any case; and he did not attach any weight to it, or quote it to prove his case, except in this way, that they must see from it how useful detailed information would be in checking such errors. If they could get from the different parishes the returns sent up, or a considerable number of them, they would be able to apply to the allegations he made a rule or criterion, which was all they required. Whatever the truth was on this subject it ought to be told, and there should not go forth to the public, on mistaken facts, a statement as to the relations of the different religious bodies in this land. It should not go forth, except it was true, that it was an episcopal figure of speech to say what he said—that, thank God, the great majority of the people of this country do still belong to the Established Church.

Moved—

"That there be laid before the House the details of the Returns from which the Tables of Religious Worship, presented to the Houses of Parliament in reference to the Census of 1851, were prepared."

The Bishop of ST. DAVIDS said, he was in a condition to confirm the statement of his right rev. Friend, though it was but very recently that his attention had been specially drawn to the subject. At the time of the last Census he had a conversation with the clergyman of a parish, who mentioned some practices that had come to his knowledge, which drew from him the observation that if such were the case, and if the returns were open to such abuses, he would very much have wished that the clergy of the Church of England should have declined making any return; for by doing so they were not assisting to ascertain truth, but were appearing to lend their countenance and sanction to that which was in the end an imposition on the public. Even supposing the returns had been correct, unless they were so guarded from abuses as to gain the general confidence of the country, they would fail in accomplishing their most important objects. With regard to the light in which the returns were considered by the clergy, a few letters he had lately received were quite sufficient to illustrate that part of the case. He found one of those clergymen stating that he really was not able to give certain information about the last Census, because, having taken no pains to inquire into the matter, from his experience of the manner in which similar returns had been obtained by the Dissenters on previous occasions, he considered the Census, as far as it related to the number present at each place of worship, a mere farce. In one case, where the return from a chapel stated that the numbers attending amounted to 2,000, it was found the largest number it could contain was 1,200. He found another clergyman stating that it was generally believed that the Dissenters had made excessive returns, and the belief was supported by two facts, the first being that the returns of persons attending the different chapels in many parishes exceed their whole population; and the second being that the same individuals were well known to have been counted two or three times over as attending the chapels of different denominations. It was stated also to be a general practice that where there were several chapels of different denominations, each having its Sunday School, they clubbed the Sunday Schools together to attend each of their services at different times of the day. In many places they offered a peculiar attraction to attend, to many Welsh congregations—namely, the public catechising of the children, which not only secured a large attendance of children, but a large addition to the ordinary congregation. There was another kind of malpractice which was a still wider departure from fair dealing, because he understood that the grossest mis-statements had slipped into the calculation of the numbers attending the schools. In his own neighbourhood he found it mentioned as a fact of general notoriety, that the numbers reported from particular Sunday Schools were two or three times as large as it was possible for the buildings to contain. Another instance which came from particularly good authority, also in his own neighbourhood, was an illustration of the same practice. In that case the Dissenting minister seemed, for some reason or other, not to have found himself competent to fill up the return himself, and requested the registrar to do it for him. He stated that his congregation was 400; and then came the question as to the number of sittings, which he very innocently stated to be between 150 and 200. The registrar begged he would explain how 400 persons could meet in a room that would contain but 200, and he confessed that that little circumstance had frequently escaped his attention, and he desired the registrar to put down 200 instead of 400. The practical conclusion, however, did not depend on particular instances of this kind. It was a sufficient objection to the present mode of taking the returns, that the clergy viewed them with distrust, or rather with the fullest conviction that they were, on the whole, gross misrepresentations of the real state of the case. He had not made these statements in an invidious sense, or with the view of disparaging the Dissenters, but they had no right to presume that any body of men were above temptation. They had no right to place the Dissenters in circumstances in which they were exposed to the strongest of all temptations, or to leave matters of this importance to rest on the discretion of persons who were deeply interested in putting forward a certain view of the case. He really would not say whether, under similar circumstances, if the clergy of the Church of England were to be placed in a similar condition, they would be superior to the like temptation. He should hope and wish to believe that they would, but really he could not, under such circumstances, answer for them any more than for any other body of men. It was unfair to the Dissenters themselves, and highly prejudicial to the public interest, to expose them to the temptation of making such misrepresentations. He thought with a view to the future it was perfectly clear those returns could never accomplish the object for which they were designed if they were made in the manner in which the last returns had been made, and he could not himself see how they were ever to guard against such misrepresentations. Any day which might be appointed for the taking of the Census would be sure to be considered by the Dissenting bodies as the occasion for a trial of strength, on which, by canvassing in private and holding out the greatest possible attraction in public, they would endeavour to make a grand demonstration of the growing success of their cause. If the same plan was to be adopted in future, he hoped that some check would be devised which would be an effectual security against the abuses and misrepresentations which had, he was convinced, been but very imperfectly disclosed by the statements which had been made to the House.

Earl GRANVILLE said, the right rev.

Prelate had most legitimately brought this subject under the consideration of their Lordships, and the only regret he had in rising was, that in refusing to accede to the Motion, he should seem to place himself in opposition to the representatives of the Church of England in that House, especially on a matter on which they called for more ample and truthful information to the country at large. But, at the same time, he thought he could give reasons why it was not desirable to accede to the Motion for the returns moved for by the right rev. Prelate. The fact was, that the Census Office was now shut up, and their accounts closed; the returns were also very numerous, amounting to nearly 40,000—or, to be quite accurate, 37,381. But the great reason why he could not well consent, consistently with good faith, to the production of these returns, was, that in the circular printed and circulated by desire of the Secretary of State, it was stated that it was not intended that all the particulars in the returns should be published. Under these circumstances, it would be impossible for the Government to accede to the Motion. He heartily agreed in what the right rev. Prelate who spoke last said, as to the regret which he felt that some other legal arrangements did not exist when the Census was taken. He thought it would be most desirable that information which the public were so anxious to have should have been made compulsory, and an untruthful answer declared to be penal. At the same time he could not help feeling that the discussions in that House upon the conduct of the Secretary of State in somewhat overstepping the bounds of legality by sending these queries with the first form had to some extent caused the evil complained of, because it increased the unwillingness of district clergymen to fill up the returns, and this naturally produced an unfavourable impression as to the numbers belonging to the Established Church. His right rev. Friend did not raise any question against the Census Office, or the manner in which its duties had been performed, but his complaint was, that, on the one hand, the Church of England returns did not give a sufficient statement of the numbers attending places of worship belonging to the Established Church, while, on the other hand, the numbers attending the Dissenting chapels were exaggerated. It was impossible for him to give an official opinion on this subject; but from the facts he had stated, arising out of the debates that took place in that House, he did think it was made out that the returns as to the Church were below the numbers that ought to have been given. As to the Dissenters, he likewise shrank from giving any official opinion. The right rev. Prelates, no doubt, seemed to have made out a strong case, and the Dissenters, he had no doubt, would take some public opportunity of telling their own story, and the public would judge between the two. Some of the facts mentioned by the right rev. Prelate were strong, others were not so. His statement, for example, as to the weather having given an advantage to Dissenters was not a strong fact, for both would be equally affected by this, and the weather no doubt varied in different parts of the country. As to the Roman Catholics, he would only observe, with reference to the number of sittings they possessed, that their services were short and more frequent than ours, and therefore it was obvious that their chapels gave accommodation to more persons than Protestant churches did, where the services were longer and the attendances more rare. He hoped he had said enough to show that it was impossible for the Government to accede to the Motion. At the same time, he was glad the statement had been made, that it might be considered by the public. Such answers as could be given would no doubt be put forward by the Dissenters, and the public would then be able to judge more accurately upon the subject. He wished to say one word as to what had fallen from a noble Earl (the Earl of Ellenborough) the other day on the subject of these returns. The noble Earl had said that the returns were perfectly useless, and that not twenty persons looked at them. Now, this was not borne out by the facts, for he had been informed that of one edition of these returns 21,000 copies were sold almost as soon as published. With respect to the increase of expense attending the Census, the former Census having cost 23,500*l.*, while the latter cost 170,000*l.*, the noble Earl was mistaken. The mistake was a natural one for him to make, for he was probably not aware that the former Census was paid entirely out of the poor rate; and that while it cost 5*l.* 9*s.* per thousand, the last cost 5*l.* 4*s.* per thousand, being a saving of 5*s.* per thousand, while much more information had been obtained. The estimate was 150,000*l.*, but only 127,000*l.* was expended, thus leaving a considerable sum to be returned to the Treasury. It was necessary to state these facts, as it would create an unfounded prejudice against the manner of doing the business if the statements which had been made remained uncontradicted. He might add, in justice to the Registrar General, that he had been informed by the head of his department, that in his conduct of the whole business he showed great powers of administration and great care for the public interest in every possible way.

THE BISHOP OF ST. DAVID'S said, that in Wales, owing to one portion of the members of the Church of England being Welsh and the other English, of two services performed on the same day one was performed in Welsh and the other in English, therefore only one-half the congregation of a church attended each service. This did not apply to the Dissenters, whose congregations were generally all of one country, and, therefore, all attended each service.

THE BISHOP OF OXFORD said, that after what had fallen from his noble Friend (Earl Granville) he could not of course press for these returns, but he thought that the promise which had been referred to was one which ought not to have been given, as it was a direct temptation to an unscrupulous person to send inaccurate returns. He was convinced that no provision could meet the difficulty arising from taking the returns of the people attending the churches and chapels on a certain known day, as it would by both sides be considered a trial of strength, and would be no proof of the real religious state of the districts. Therefore, if this information was to be obtained again, he most earnestly trusted that the returns would be taken in some other way than from the attendance in places of worship on a notified Sunday.

Motion, by leave of the House, *withdrawn.*

House adjourned to *Thursday* next.

HOUSE OF COMMONS,

Tuesday, July 11, 1854.

MINUTES.] PUBLIC BILLS.—1° Royal Military Asylum; Jamaica Loan.

LANDLORD AND TENANT (IRELAND) BILL, AND LEASING POWERS (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. SERJEANT SHEE said, his object, in moving that the Chairman should report progress, was to endeavour to induce the Government and the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) to defer all legislation upon these important Bills until the next Session, because, at that late period of the Session, it was utterly impossible to do justice to those measures. Ireland was at the present time in a greater state of prosperity than it had enjoyed for a long period; and there was not that immediate urgency for passing a measure of this description this year, which undoubtedly there appeared to have been some years ago. They could, therefore, afford to wait for some time, to have the measures gravely considered and matured; and it was far better to adopt that course than to take up the worse part of the code introduced by the right hon. and learned Gentleman, and pass it into a law this Session. To show that it was utterly impossible to pass those Bills at present, he might mention that the hon. and learned Member for the county of Wexford (Mr. M'Mahon) had thirty-four Amendments to move to the Landlord and Tenant Bill, and that the right hon. and learned Member for the University of Dublin had given notice of 156 Amendments. And on the Leasing Powers Bill there were forty-five Amendments to be moved by its original proposer. The notices of these Amendments had been only given on the preceding day, and there was not sufficient time to give them the consideration they absolutely required. When the right hon. and learned Gentleman the Member for the University of Dublin had brought forward those Land Bills, he made a prayer to Almighty God at the end of his speech, as he often did, for the success of the whole; and he (Serjeant Shee) did not see how the right hon. and learned Gentleman could now come forward and ask the House to pass the Landlord and Tenant Bill, and Leasing Powers Bill, without the Tenants' Compensation Bill. A Committee had been appointed on the subject last Session, and though he would not say it was an unfair Committee, he would have preferred a Committee of English and Scotch gentlemen who understood what the just rights of the people were, and, above all, who detested the idea of a potato estate with mud cabins for their tenantry. The Bill sanctioned by the Government last Session to afford compensation to tenants for improvements contained a sound principle, which would have been capable of future extension; but unfortunately the House of Lords had thrown out the Tenants' Improvements Compensation Bill in a House of only twenty-five Members, eleven or twelve of whom were short-sighted Irish landlords, directly interested in the question. It was not endurable, and was calculated to bring the Constitution of the country into contempt, that a few Irish landlords in another House should thus set aside the deliberate opinion of that House and of the leading statesmen of the country; and now the Committee were asked to pass the stringent clauses of these two Bills now before it without the compensating clauses of the Tenants' Improvements Compensation Bill. He hoped, however, that the Government would not weary in well-doing, and would not be deterred from bringing in or supporting a measure embodying the same principle of justice to tenants by the obstinacy of those who resisted such a fair principle. He believed that if the Government only passed a Leasing Powers Bill and a Landlord and Tenant Bill, without accompanying them by a tenants' compensation measure, they could never satisfactorily settle the vexed question of the relations of landlord and tenant in Ireland, whilst they would incur public odium and contempt by legislating for the benefit of the landlords, and entirely neglecting the interests and just claims of the tenants of Ireland. He therefore hoped that the whole of the Bills on this subject now before the House would be deferred till next Session, when they would have proper time to consider them, and to deal with the right hon. and learned Gentleman's (Mr. Napier's) numerous Amendments. [The hon. and learned Gentleman then proceeded to examine the various provisions of the two Bills under consideration, contending that they were all liable to fatal objection by their failure to recognise the principle of just compensation and protection to tenants.] The fixture clause of the Leasing Powers Bill was, in his opinion, most inadequate to protect the interest of the occupier. The advocates of these Bills professed to be desirous of encouraging agricultural improvement; but they introduced no provisions really calculated to attain that end. As to the Leasing Powers Bill, though there was much in the Bill that was good, the notion that it would afford a remedy for the improvement of land in Ireland was the most preposterous that ever was entertained. When he first went to Ireland, at about twenty years of age, he was surprised at the difference between the residences of the country gentlemen and the squalor and misery about them. He thought he was not wrong in stating that the right hon. and learned Gentleman, in influencing a noble Lord of great ability and promise in the other House (Lord Donoughmore) to introduce the Landlord and Tenant Bill in opposition to the measure introduced by Government last year, had done his best to strangle the Tenants' Improvement Compensation Bill. He would oppose the right hon. and learned Gentleman's proposition to the utmost, and he trusted the Government would not lend its assistance to a project which was inconsistent with the whole tenor of their lives as public men, and inconsistent with the course they thought proper to pursue last year. If the Bills were agreed to, it would be the most absurd piece of legislation which had ever insulted the good sense and liberty of the subject, and he called upon Government and the House to join with him in preventing the passing of such a measure.

Mr. M'MAHON said, he should support the Motion of the hon. and learned Serjeant, for he considered that it was impossible, with the slightest justice to the tenants of Ireland, to legislate at the present moment on this question. He trusted that Government would not go on with these Bills this Session.

Mr. KIRK said, there were fifteen or sixteen pages of Amendments which were proposed to be made in these Bills, and it was impossible for the House fully to consider them this Session. Moreover, the people of Ireland had not had time to consider the Bills. Under these circumstances he thought it would be better to postpone them.

Lord NAAS said, he thought it would be convenient if Government would now state the course they intended to pursue with regard to these Bills.

Mr. J. O'CONNELL said, he agreed with the hon. and learned Serjeant that it would be better that there should be no legislation than to have these two Bills; but he deeply deplored that there was to be no efficient legislation this Session. The good crops which were now on the land would be used by the tenants as the means of emigrating, so that the country would lose more of its people and capital. He implored Government not to commit themselves to these Bills. The Bills of last Session contained many good provisions, and if Government had stood by those Bills they would have done much to settle this question. He would also appeal to the right hon. and learned Member for the University of Dublin and the Irish Conservative Members not to attempt to proceed with the Bills, seeing that they would not settle the question.

MR. CONOLLY said, that so far from looking upon this question simply as a landlords' question, without taking into account the question of justice to the tenantry, he had always been disinclined to give his assent to any measure, from whatever quarter it emanated, that was not based on full justice to the tenant class. He regretted that the Government of the Earl of Derby had not had an opportunity afforded them of settling the question, convinced as he was that they were sincere and honest in their desire to effect that object. Indeed, he believed that, if they had the same chance allowed them which had been given to their successors through two Sessions of Parliament, they would have brought it to a settlement ere this. And he thought he was entitled to ask the Government to explain how it was that at the end of a second Session of Parliament they found themselves as far as ever from a satisfactory solution of the question? The tenantry of Ireland had a right to expect legislation with regard to it; so also, in short, had every other interest in that country. But what was the course which the Government had adopted? He charged them with acting neither fairly nor honestly. They first pledged themselves to deal with the question last year, but they allowed the Bills to remain in Committee upstairs and on the table of that House until the end of the Session had nearly arrived, and then it became impossible to proceed further with them. A similar course had been pursued this year. Was there a Government or was there not? Could any private Member of that House attempt to take up a question of this importance with any hope of conducting it to a successful issue? Certainly not. There were many private Members who would be glad to do so if they saw any chance of success; but the only persons who had it in their power were the Government of the day, and they had attempted nothing of the sort. The responsibility of doing it lay upon the Government, and the Government of the Earl of Derby had acknowledged that responsibility, and applied themselves on the earliest occasion to the endeavour satisfactorily to discharge it. But the Government of Gentlemen sitting opposite were chargeable with the grossest and most censurable neglect. He now called upon them to tell the Committee frankly, did they support these Bills or did they not? Would they go on with them, or was it their intention to shelve them, and so put off the settlement of the question to a future that might never arrive? He condemned their conduct as trifling with the House and the country, as well as with the great and important interests that were at stake.

MR. J. D. FITZGERALD said, he must contend that the Committee to whom the Bills had been referred had faithfully performed their duty, and any delay that had occurred was not attributable to that House, or to the Government, but to another place. He maintained that these were not Government Bills, but the Bills of the right hon. and learned Gentleman (Mr. Napier). They all hoped that the present Session would come to an early close, and it was utterly impossible to discuss Bills which came down in such a mutilated shape, and with compensating clauses that were a delusion. He would recommend that the Bills should be withdrawn, and that the duty and responsibility of future legislation on this subject should attach to the Government. It was abdicating the functions of Government to leave such highly important Bills in the hands of private Members. He trusted that next Session the Government would bring in measures on this subject upon their own responsibility.

MR. BELLEW said, he must deny that the Bills were now those of the right hon. and learned Gentleman (Mr. Napier). True, their substantive matter was first introduced by the right hon. and learned Gentleman, to whom the credit was due for what little good remained in them; but in the mutilated condition in which they appeared before the Committee, he utterly denied that they were the right hon. and learned Gentleman's Bills. The Duke of Argyll was the man who, in another place, moved the third reading of the Bills; and if they were not now Government Bills, at least by adoption, he could not understand what Government Bills were.

Sir JOHN YOUNG said, that if these Bills had been Government Bills, he did not scruple to say that they would not have been proposed for the consideration of the House at that period of the Session. He could assure hon. Members opposite that nothing could have been fairer than the course taken by the Government upon these Bills, or more courteous to the right hon. and learned Member for the University of Dublin (Mr. Napier). The Bills undoubtedly originated in that right hon. and learned Gentleman's skill and ability, and when he (Sir J. Young) came into office, he took them up and forwarded them by every means in his power; but he had never claimed the merit to himself of having prepared them. During the last Session of Parliament a Committee was appointed to consider the Bills, and they were fairly and fully discussed in that Committee. Late in the Session they were sent up to the other House, where they were taken charge of by the Duke of Newcastle; but it was found impossible to carry them in the course of that Session. ["Hear, hear!"] Hon. Members cried "hear." The Bills he alluded to were the Landlord and Tenant Bill, the Leasing Powers, and also, be it remembered, the Tenants' Compensation Bill. Having been read a second time in the House of Lords, it was then resolved by that House to send them to a Select Committee at the commencement of the present Session. The result was, that two new Bills were produced—the Landlord and Tenant Bill, and the Leasing Powers Bill—both bearing a great resemblance to the Bills of last Session, but unaccompanied by any Tenants' Compensation Bill; and he was bound to admit that these two Bills by themselves would be unsatisfactory to the people of Ireland in case they were not accompanied by a Compensation Bill. As far as the Bills went they were good. He believed the Landlord and Tenant Bill was a good consolidation of the law. The Leasing Powers Bill also was a very good measure, and, taken by itself, would be a great improvement on the existing law. But was he to take these for a whole code? Should they legislate on a part of the question only? Would that be acceptable to the people of Ireland? He thought it would not. As far as he knew, every Irish Member who supported the Government in that House had come to him and expressed a wish that the Bills should not proceed further during the present Session. What he had done was this: he had endeavoured to obtain from his noble Friend who regulated the business of the Government in that House such precedence for the consideration of these Bills as would enable the right hon. and learned Gentleman to go on with them; and when the noble Lord the Member for Coleraine (Lord Naas) asked him to say what were the intentions of the Government, surely those intentions were sufficiently explained by the fact that Government had given up this morning to the right hon. and learned Gentleman to press forward the Bills, which he contended were still in his hands. If there were no hope of carrying them during the present Session, he did not think it would be fair or right to press them on the House. [The right hon. Baronet was proceeding to speak of Mr. Serjeant Shee's Tenant Right Bill, of which he said he had never been the supporter, when his attention was directed by the Irish Solicitor General to the clock, which indicated the near approach of the hour of four, the time appointed for the suspension of the morning sitting. He thereupon abruptly resumed his seat; and Mr. Napier rose to address the Committee.]

Sir JOHN YOUNG protested that he had not completed his speech, and had sat down merely because he understood the hour for adjournment had arrived.

Mr. MAGUIRE said, that it was a matter of the most vital importance to the people of Ireland that the right hon. Baronet (Sir J. Young) should be allowed to finish his remarks.

The CHAIRMAN held, however, that Mr. Napier was in possession of the House.

Mr. NAPIER then rose and said, he must express his surprise at the decision come to by Government after the course they had previously taken with regard to these Bills. It was then for the first time that he had heard the intention of the Government not to proceed with them. They had been taken out of his hands entirely, and had gone up to the House of Lords as Government Bills.

[At this point in the right hon. and learned Gentleman's address, four o'clock, having arrived, Mr. Bouverie vacated the chair.]

House resumed.

COUNT PAHLEN—RUSSIAN SUBJECTS IN LONDON—QUESTION.

Mr. I. BUTT: Sir, I have given notice

of my intention this evening to put a question to the noble Lord the Secretary of State for the Home Department upon a very important subject, but that noble Lord being absent, as I see a right hon. Baronet who is also one of Her Majesty's principal Secretaries of State is in his place, I think I am perfectly justified in putting the question to him. If the right hon. Baronet cannot answer it, it is no fault of mine, nor do I wish to impute any blame to the noble Lord the Secretary of State for the Home Department on account of his not being in his place at present. The question I am about to put is in reference to the arrival in this country, and the presence in London during the past week, of a very eminent Russian gentleman; and, in asking that question, perhaps the House will permit me to preface it with a few explanatory words. The gentleman to whom I allude is a member of a very distinguished Russian family, his name is Count Pahlen; he has been engaged in the Russian diplomatic service, and his brother occupies at this moment a distinguished position in the Council of the Emperor of Russia, and is said to be on the most intimate and friendly terms with him. Count Pahlen has arrived within the last ten days in this city, and since his arrival he has mixed freely in society, and it is stated that he has been introduced into some society under the special patronage and auspices of one of Her Majesty's Cabinet Ministers. I think it is fair to mention the name, in order, if the statement is incorrect, that a proper contradiction may be given to it. It is stated that, under the auspices of Lord Granville, the Chancellor of the Duchy of Lancaster, this gentleman has been introduced into the society of this city. I must say that the presence of an alien enemy, or his arrival here, is a violation of the law, and the question I wish to put to one of Her Majesty's Principal Secretaries of State, whom I now see on the Ministerial benches, is, whether that gentleman has arrived here with that protection which could alone entitle him to be in this country—the safe conduct of Her Majesty? In the terms of my notice, I wish to know whether the Government are aware of the presence in London of Count Pahlen, a Russian subject, and one who has been actively employed in Russian diplomacy; and, if so, whether his presence here is with the permission and sanction of the Government?

SIR GEORGE GREY: I have myself no information whatever upon the subject, and I must request the hon. Member to repeat his question upon the arrival of my noble Friend the Secretary of State for the Home Department.

THE BISHOP OF NEW ZEALAND—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the right hon. Gentleman the Secretary of State for the Colonies, whether any official communication was sent from the Colonial Office in 1853, to either the Governor or the Bishop of New Zealand, on the subject of the removal from the Estimates of that year of the usual Vote for the Bishop's salary? He wished also to ask whether any official communication that the usual allowance had been withdrawn had been sent to the Bishop of New Zealand, and if so, whether there was any objection to lay it upon the table of the House, together with any answer which may have been received from the Bishop?

SIR GEORGE GREY said, that in answer to the first question of the right hon. Baronet he had to state that he could not find that any direct communication on this subject was addressed either to the Governor or the Bishop in the early part of 1853, when the 600*l.* a year, up to that time voted for the Bishop's salary, was withdrawn from the Estimates. He understood, indeed, that the attention of the Governor was called to the manner in which the Vote of 5,090*l.* was appropriated, but that the Bishop had at that time left the Colony. He (Sir G. Grey) had, however, directed that an official intimation of the withdrawal of this allowance should be forwarded to the Bishop. He had done so in consequence of having received a letter from the late Governor of New Zealand, which induced him to believe that the Bishop was not aware of the withdrawal having taken place. He could have no objection to produce both the letter which had been written to the Bishop of New Zealand and that Prelate's reply, if the right hon. Baronet would move for them.

THE CANADIAN CLERGY RESERVES—QUESTION.

SIR JOHN PAKINGTON said, that since he put a question to the right hon. Baronet a few evenings ago, as to whether the Government had received any information with respect to recent events which were said to have transpired in Canada, another mail had arrived in this country. He wished to know whether that had brought any despatches from Lord Elgin, and if so, what was the nature of the intelligence which they contained? He wished particularly to know whether it was true that the Canadian Assembly had been dissolved in consequence of a Resolution upon the subject of the clergy reserves having been carried as an Amendment to the Address, and in opposition to the Government?

Sir GEORGE GREY said, that when the right hon. Gentleman put this question a few evenings ago, the Government had not received any official intelligence on the subject. They had on Monday last received from Lord Eglin despatches, stating the circumstances under which the Assembly had been dissolved. The Governor opened the Session with a speech on the 13th of June. An Address was proposed in answer to that speech, and upon that Address two successive Amendments were moved. The first expressed regret that the Government had not recommended during the present Session a measure for the secularisation of the clergy reserves, and for the abolition of the seignorial tenures. That was rejected by 54 to 16. Subsequently, however, another Amendment, speaking of "an immediate settlement of the clergy reserves," was proposed. That proposition, which was supported by several Members who had opposed the former Amendment, was carried by 42 to 29. An Act passed the Canadian Legislature last Session, by which the number of the members of that body was increased from 84 to 105; and the provincial Government of Lord Elgin both concurred in thinking that it was inexpedient to submit a question of such importance to the present Assembly, but that it would be better to postpone its consideration until another Assembly was elected under the new Act. Under these circumstances, Lord Elgin, acting under the advice of the Colonial Government, had prorogued the Assembly with a view to an immediate dissolution.

INDIA—TENURE OF LAND IN MADRAS.

Mr. BLACKETT rose to move that an Address be presented to Her Majesty, praying for the appointment of a Commission to proceed to India to inquire into the tenure of land in the Presidency of Madras. The hon. Member said that the subject of the tenure of land was of great importance in British India and its dependencies, and he believed he could show on official authority that the present system adopted with regard to the tenure of land tended to prevent the accumulation of property, to precipitate the decline of the Indian population, and to render it difficult to establish anything like a healthy and stable civilisation in British India. He must, in the first place, refer to a point which had been much discussed in relation to this subject. The House was aware that the land revenue formed the main basis of Indian finance — in fact, that not less than 15,000,000*l.* out of the 26,000,000*l.* of the Indian revenue was derived from the land revenue—and therefore it was not surprising that the tax should have been the subject of much investigation, and that it should have been hotly disputed whether the land-tax in India was a tax in the ordinary sense of the word, or whether it was merely the legitimate rent of the land. Whatever might be their opinion on that question, he thought the House would agree with him that, whatever its origin, the smaller that tax could be made, consistently with the interests of the State, the better it would be for all classes, for the wealth of an empire depended on what was left in the pockets of the people, and not on what was taken out; and be this impost a tax or rent, it ought to be levied in such a manner as would be least onerous to the cultivator, most productive to the revenue, and, above all, most favourable to the operations of private industry. That, however, he believed, had not been attained under our present administration. They were aware that the tenure of land was different in different portions of India. According to the settlement made many years ago in Bengal, zemindars paid a fixed sum into the Treasury; in the North Western Provinces the village system was in operation; in the larger portion of Bombay and Madras the ryotwarry. He believed it was always injudicious in the State to undertake the duties of landlord; but it must be remembered that the founders of our Indian empire were placed in a difficult position with regard to the land revenues, and the policy it was expedient to pursue with respect to the tenure of land—and he admitted that the East India Company, stepping into the shoes of the

Native princes, found themselves necessarily burdened with many duties which, under other circumstances, they would never have attempted to discharge. But he thought that the Company ought to have remembered that the discharge of these duties was only a disagreeable necessity, and that, having undertaken them, they were bound to endeavour to discharge them in a manner which would promote the welfare and prosperity of the Natives, and should have looked forward to a period when they might terminate this vicious characteristic of Asiatic society. This, in fact, was the policy of the founders of our Indian empire. He would, however, ask the House whether it was possible to detect any vestige of this sagacious policy in the manner in which the ryotwarry system was now administered? The system was directly opposed to every policy the British Government ought to have pursued; and instead of tending to stimulate private enterprise, it introduced the agency of the State to an extent that had no parallel in the history of the world. The Indian Government, by the ryotwarry system, attempted a task which would be difficult to the most favourably situated Government in the world—namely, that of acting, not nominally, but in deed, as landlords of their whole territory, and of placing a money rent upon every field within their vast dominions. How difficult was the task of the collectors to whom this duty was intrusted might be easily seen when they considered the immense extent of their districts. In the Madras Presidency, districts, extending, on the average, over an area of 7,000 square miles, and in some instances, as at Bellary and Cuddapah, over an area of 13,000 square miles, were placed under the superintendence of one collector, with a few English assistants, who made their tours through the districts, ascertaining, or attempting to ascertain, how much land each individual cultivator intended to bring into cultivation, and watching and checking the produce of the soil under every variety of season and of climate. The effect of this system, undertaken under great disadvantages, and charging the Government with immense responsibilities, was to break down the cultivators of the soil so completely that such a thing as private property in land, in any appreciable sense of the word, was altogether unknown. No doubt the tenant kept his holding so long as he paid the land-tax, but that tax pressed so severely upon his means of subsistence as to leave him at the mercy of the Government. In this case, too, the word "Government" was synonymous with swarms of corrupt Native functionaries, under whose administration it was impossible that the tenant could accumulate capital from the produce of the soil, which was consequently without a marketable value—the sure sign of agricultural depression and distress. He (Mr. Blackett) did not think that Colonel Read or Lord W. Bentinck or Sir T. Munro ever contemplated such consequences as likely to result from the ryotwarry system. Sir T. Munro's idea seemed to have been to give the tenant of the soil permanence and fixity of tenure, to make the land-tax approximate as nearly as possible to a permanent quit-rent, and to provide that the exactions of the State should cease to keep pace with the profits of industry. It was obvious that for a fixed settlement of the tax to be beneficial to the people, it must be at a moderate rate. Now, what was the state of things in this respect in the Presidency of Madras? It had been said by the right hon. Baronet near him (Sir C. Wood) that the question at what were called the annual settlements in that Presidency seemed only to be a settlement of how much of the stipulated rent should be remitted to the ryots each year in consequence of adverse seasons, which rendered them unable to pay their full rent. He (Mr. Blackett) thought, then, that the House ought to consider whether the land-tax in Madras was so moderate in amount that the tenants might have a reasonable prospect of being able to pay it, or whether the tenants were liable to vicissitudes, depending in no degree on their own care and foresight, and leaving them a mere equitable title to the consideration of their landlords. The President of the Board of Control had admitted, on a former occasion, that the amount of rent originally imposed was now too high in consequence of the general fall in the value of produce in Madras. The assessment, which pressed with peculiar severity upon the cultivators of the soil, was originally fixed under a survey made some fifty years ago, confessedly under circumstances of great disadvantage and imperfection, and in some instances without the aid of maps. The principle upon which the rent was then fixed was this—the quality of the ground was estimated, and the probable percentage of profit on the gross produce of the soil was commuted into a money rent, at the market prices of the day, and such rent was then saddled on the land for ever. He thought this was a great misfortune, for at the time to which he referred, many circumstances combined to render the market prices of Indian produce unusually high. Ever since that period prices had been steadily falling, while the ryots were still called upon to pay an assessment calculated upon the high rate of prices which prevailed sixty years ago. In regard to the survey, however, he believed that, notwithstanding its imperfection, it gave a fair average estimate of the value of the land at the time it was made. But what would the House say, when he told them that the assessment was so high upon the best land as actually to drive the landholders to cultivate poor lands at a moderate assessment rather than face the difficulty of extracting from good soil crops sufficient to enable them to bear up against the enormous taxation with which it was burdened? They had the testimony of Mr. Dykes and Mr. Bourdillon that there were many villages in various parts of the country in which large portions of culturable land were permanently waste, because the assessment was so excessive that the crops would not cover it, and that a large extent of the most productive soil in the country was permanently kept out of cultivation by the excessive demands of the Government. Sir Thomas Munro rightly understood that the State must necessarily be the worst landlord in the world, chiefly because it acted at a distance, and through the instrumentality of innumerable agents; he was determined to prevent the State, as effectually as possible, from all opportunity of interfering between the tenant and his profits, and, therefore, he laid down the rule that no tax should be increased or imposed in consequence of any improvement of the land made by the tenant. Of course, if the State effected any improvements, by irrigation or otherwise, which increased the value of the property, the State would derive the advantage of an additional rent; but it was intended that the tenant should reap the benefit of any improvements effected by himself. He (Mr. Blackett) thought, however, that in this respect the policy of Sir Thomas Munro had been abandoned, for it was stated by Mr. Dykes, the collector at Salem, that when the ryots attempted to improve the cultivation of the soil by planting orchards, by sinking wells, or by other means, in recent days, they had been subjected to an additional assessment. Sir C. Trevelyan, in his evidence, alluded as a notorious fact to the very objectionable principle imported into the ryotwarry system since the time of Sir T. Munro, of imposing a tax upon the improvement of land, and stated that, in the Madras Presidency, that tax operated far more effectually in discouraging the improvement of land, than the old tithe system did in England. Mr. Peacock was called on the part of the East India Company, but he did not contradict the evidence of Sir C. Trevelyan upon any single point of importance. He (Mr. Blackett) considered that the evidence threw a great deal of light upon the necessary opposition which existed between the interests of the responsible Government of India and those of their local agents, whose main anxiety must be to make up a good revenue for the year. He complained, not that the East India Company acted under disadvantages, but that they adopted and perpetuated a system of taxation which greatly aggravated the disadvantages under which the best and wisest Government in the world must labour. The general result was that the native population of India had been reduced almost to a state of beggary under this state of things. He thought another objection to the ryotwarry system was the immense power which it placed in a swarm of Government functionaries, consisting of native agents; no one was more anxious than he was to see the native Indians raised by official employment; but when he contemplated the characteristic defects of the Indian character, and when he thought of the long-continued system of injustice which had stimulated their vices, the last thing in the world he should wish to see was their ingratiating themselves with their English masters at the expense of their poor fellow-countrymen. He had before mentioned the enormous extent of land placed under the control of a single collector; and the House could conceive the pressure which might be exercised by the native assistants of such an individual upon a population of 80,000, 100,000, or even 150,000 persons, a vast proportion of whom were trembling on the verge which separated indigence from absolute starvation. Sir G. Clerk, the late Governor of Bombay, spoke of this as one of the drawbacks of the ryotwarry system. The evidence of Mr. Dyke was to the same purpose, and that of Mr. Bourdillon, whose peculiar authority on the question could not be doubted, graphically described the manner in which the unhappy ryots were ground down beneath the monstrous exactions of the collectors' servants, whose cruelty towards the persons subjected to their power was only equalled by their servility towards their employers. Mr. Bourdillon said—

> "The enormous amount of constant and inquisitorial interference was an evil of immense magnitude, but that was greatly aggravated by the power which was lodged in the hands of subordinate and ill-paid revenue officers. The number of convictions for peculation bore no proportion to that of the instances of its commission, and peculation was by no means the only or the chief corruption of that class of the population; and if that was the state of matters with the chief class of subordinates, it was hardly necessary to say that the same vices obtained among the whole race of subordinates down to the very lowest."

He (Mr. Blackett) fully admitted the difficulties with which that system was surrounded; but it was the gravest condemnation of that system that it could not be carried out without the employment of means that converted it into an engine of the most intolerable oppression. The evils of the existing state of things were so great, so antagonistic alike to the prosperity and happiness of the Indian population and to the real interests of the Indian Government and of this country, that, whatever the difficulties might be, it was the duty of the House to take measures for overcoming them, and for placing the tenure of land in India—and especially in Madras—upon a sound and just basis. The returns showed in the most startling light the depressing effect which the system had upon the land revenue of India, and it was, indeed, impossible but that such a system must operate as an insuperable bar to agricultural improvement. The revenue was annually declining, as was shown clearly by the accounts for 1852 and 1853 as compared with those for 1848-49 and 1850-51. With regard to the value of the land, he found in the Appendix to the Report of the Committee of last year a return of the prices produced by land at the last revenue sale; and it appeared that in the eleven years ended 1852 the annual rental of the property put up for sale was 115,486*l.*, and the price it fetched was only 160,000*l.* Again, with regard to the population, the House could hardly conceive the frightful speed with which the multiplication of small holdings had proceeded, creating a larger and larger body of wretched serfs, without capital, without credit, without any means of duly cultivating the soil, and themselves scarcely able to keep soul and body together. In the district of Coimbatore alone, the number of these pauper cultivators, holding from one to thirty-five rupees in land per annum—or from 2*s.* to 70*s.*—had increased from 971 to 3,607, while the number of the comparatively wealthy tenants, holding from fifty to 500 rupees in land, had decreased from seventy-eight to twenty-eight. He knew it was said that the Hindoo law of inheritance was at the bottom of this state of things; but was that any reason for our persisting in a system of taxation which seemed to have been contrived and established to strengthen a Government by the suicidal experiment of weakening society? Never had such a scene been presented by any land that had been held for so many years by a civilised Government. The picture which Mr. Bourdillon—one of the most experienced persons concerned in administering the ryotwarry system—drew of the condition of the population under this system, and not merely that of the very wretchedest, but of what were deemed the favourably situated among them, was perfectly appalling—prostrate physically and mentally, pressed down by debt, by destitution—exhibiting a dead level of squalid pauperism, misery, and starvation. The President of the Board of Control had expressed the opinion that the matter might be safely left in the hands of the Indian Government; but the conduct of the Indian Government on the subject, and especially that of the Madras Government, as particularly illustrated by their unworthy treatment of the Commission appointed to inquire into public works in that Presidency, clearly proved that the matter could not, with any expectation of beneficial results, be intrusted to that Government. It was essential that the Government of India should be brought to recognise the principle of property in behalf of the cultivators of the soil, and should discontinue that barbarous system of serfdom, which, however it might appear to Indian officials a perfectly legitimate situation in which to continue the unhappy ryots, was a principle from which the founders of the Indian Government would have shrunk with horror. The claim of the State to the land in property was the prime vice which it behoved the Imperial Parliament to extirpate—it was no more than the delusion which had induced ignorant and barbarous rulers to grasp at the riches of their subjects, instead of waiting patiently until capital produced its inevitable results; it was exactly analogous with the ignorant blindness of the savage, who, as Montesquieu expressed it, cut down the tree to get at the fruit. To obtain anything like a satisfactory result two or three healthy English minds must be applied to the inquiry, aided, of course, by the best assistance that could be obtained from competent Indian information. All he desired at present was, that a beginning should be made. He was now only asking the House to do what the Government had already done in the cognate case of Ceylon. The Ceylon Commission was expressly authorised to inquire into the state of the tenure of land, and what they recommended was, that the tenant cultivator should be allowed to redeem his land tax, and so get an inalienable possession of the soil. If that principle were recognised in India, they would soon see the immense impulse it would give to the industry of the country and its social progress. It was in no spirit of hostility to the East India Company that he had brought this subject under the consideration of the House; and he would now only express his belief that by adopting the Motion which he had placed on the notice-book, the House of Commons would immensely facilitate the task of developing the resources of British India.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to appoint a Commission to proceed to India to inquire into the Tenure of Land in the Presidency of Madras."

Mr. LOWE said, his hon. and learned Friend seemed to think that he had nothing to do but to state a case against the present way in which the land revenue was collected in Madras in order to entitle him to ask the House to take the strong and unusual course of addressing Her Majesty to send out a Commission composed of Englishmen to India to inquire into the matter. It appeared to him that the hon. and learned Gentleman had by no means made out so strong a case as to justify any such course; indeed it would require a very strong case to induce the House to take such a step as that. The theory of the Indian Government was, that on that side of the ocean there should be despotic rule, checked, on this side only, by the control of the Home Government and of Parliament, so as to secure at the same time, the power, the influence, the terror which arose from a despotic Government, silently modified by the responsibility which here awaited those who exercised that sway. Such being the essential theory of our Indian rule, nothing but the strongest and clearest necessity should induce the House to sanction any course by which the authority of the Indian Government should appear, in the eyes of its subjects, to be superseded by an authority checking and controlling it from without; by which an authority delegated from the English Parliament should be paraded in the eyes of the natives, as checking and controlling the local Government. He did not say that a case of necessity might not present itself so strong, so overwhelming, as to countervail such considerations; but no such necessity had been made out by his hon. and learned Friend, and he, therefore, trusted that the House would permit no step to be taken of this nature, calculated, as it was, to bring the Indian Government, and especially the Madras Government, into contempt in the eyes of the Native population. Asiatics could not understand the theory of governing powers, limited and controlled by what were well understood here as constitutional checks; and, consequently, to set before them the Government under which they lived as itself a subsidiary Government, subject to be directed and governed by powers elsewhere, would be to expose that Government to the utmost risk. His hon. and learned Friend talked of applying healthy English minds to the inquiry he proposed; but the extreme probabilities were, that the persons whom he might theoretically select for the inquiry might, whatever their other qualities, labour under the fatal defect of ignorance of the practical state and working of Indian affairs. No one attended to Indian matters in this country except persons who had political, commercial, or official reasons for studying them systematically; and the healthy English minds contemplated by his hon. and learned Friend would, therefore, though filled with the best intentions, run the risk of falling unconsciously into the hands of persons who would be anything but sound and sure guides for them. Another objection which he entertained to the Motion arose out of what his hon. and learned Friend said about the Government of Madras. He would remind the House, however, that since last year the Government of Madras had been changed. The new Governor who had gone out (Lord Harris) was a nobleman of great ability and experience in the government of tropical countries, and he anticipated the greatest benefits would arise from his administration. Certainly he (Mr. Lowe) would be sorry to inaugurate the government of this nobleman by what might be regarded as a mark of want of confidence in his administration. These, then, were reasons which seemed to him to show that his hon. and learned Friend had more to do than to make complaints against the revenue system of Madras in order to make out his case for sending out a Commission of Inquiry. But he would go further. He would say that, in order to make out his case, the hon. and learned Gentleman ought to have been able to show one at least of three things. He ought either to have shown that there were grievances in Madras which were not recognised and admitted by the Home Government, or he ought to have shown that, admitting these grievances, the Government were not preparing, and had no notion of preparing, remedies to meet them; or again, if he could not prove this, the hon. and learned Gentleman ought to have been prepared to show that the Government of India was doggedly set against redressing these grievances, and that nothing except the stimulus of a Commission inquiring upon the spot would induce them to do justice to the population of the Presidency. His hon. and learned Friend however, had shown none of these things; and it was upon this ground, waiving the objections which might be urged to the appointment of a purely English Commission to proceed from this country to India for the purposes of inquiry, that he grounded his opposition to this Motion. The Resolution purported to refer to the appointment of a Commission of Inquiry into the tenure of land in Madras. Although, however, he had listened with great attention to the speech of his hon. and learned Friend, he had heard nothing which he could fix upon with regard to the tenure of land at all. The hon. and learned Gentleman had said a great deal about the collection of revenue; but as to the tenure of land he had said nothing which he (Mr. Lowe) could hear except in almost the last sentence of his speech, in which he spoke of allowing the ryots to redeem their rents and thus become proprietors of the land. Now, if this were the object of his hon. and learned Friend, he confessed he did not think it would be worth while to send out a Commission merely to inquire whether or not the ryots ought to be allowed to redeem their rents, because he had only to refer to the speech of the hon. and learned Member himself to ask the House whether to give such a permission would not be (in the situation in which the hon. and learned Gentleman described the Madras ryots to be) merely a cruel mockery? These persons were described by his hon. and learned Friend as being in the lowest state of want and misery, as trembling on the line which separated indigence and starvation, and at the same time, in order to give the Commission a subject on which to report, they were to suppose these miserable creatures to be in a condition to redeem their rents, and to become owners and proprietors of the soil. Now, he thought this was far too visionary an idea upon which to ask this House to send out a Commission to India? But he would go further, and, putting aside that which his hon. and learned Friend admitted was not a very probable or a very near contingency, he would ask the House what result was expected from the Report of such a Commission as was suggested? His hon. and learned Friend had spoken not merely against the abuses of the ryotwarry system, but against the ryotwarry system itself, and was of opinion that that system ought to be put an end to. But what would his hon. and learned Friend substitute for it? If the Commission were to go and inquire on the spot, of course they must inquire about something. It would be of no use denouncing the ryotwarry system if something were not substituted in its place. If all that could be gained from the Report of such a Commission was simply the declaration that the system was a very bad one, but that it was desirable to abide by it in the main, it would scarcely be worth while to issue a Commission for such a result. But probably his hon. and learned Friend might say, "There are other systems—other land systems—in India, as, for example, the village system and the zemindarry system; and a Commission might very properly inquire whether one or other of these might not be more suitable to the Presidency of Madras than the ryotwarry system." Now, he (Mr. Lowe) contended that such an inquiry would be utterly nugatory, because we knew beforehand, having ample means of forming an opinion on the subject, that such a change could only aggravate and increase the very evils of which his hon. and learned Friend complained. If the Government abolished the ryotwarry and substituted the zemindarry system in Madras, they would be only setting up Native instead of Government landlords, and he declared without fear of contradiction, that they would not in any way ameliorate the condition of the ryots by doing so. The experience of Bengal, where the zemindarry system had been introduced and where the ryots had unhappily been abandoned to harsh and cruel Native landlords, was most unfavourable; for here the population were as miserable as any in India. He need go no further for testimony to the truth of what he alleged than the speech of his hon. and learned Friend, who had drawn a most melancholy picture of the Hindoo character, and had described the Natives as characterised alike by servility and cruelty. Now, what greater iniquity could be perpetrated by a Government, which was in itself and in its own tendencies neither servile nor cruel, than by being accessory to any measure which should hand over the cultivators of the soil in India to a set of men who were so described? It could not be right to hand over a race who were notoriously unable to help themselves and to resist oppression to persons who were stigmatised as servile and cruel. This, at any rate, would not be the way to remedy the evil complained of, and he supposed it would be generally acknowledged that it would be better for the native Hindoos to fall into the hands of the Government of India, with all its faults, than to hand them over to a body of men so described, and who were quite unable to discharge their duties as landlords. Then, should they take the village system? Should they say, "We will form these people into communities with reference to each village, and the whole village should be bound to pay to the Government a particular rent?" Should they adopt such a system? He admitted that it had been found to work well in the North West Provinces—but why? Because the villages there formed communities and brotherhoods of their own; because among them there was a community of feeling; because everybody was a clansman and a friend, and they had no separate or divided interest. Was this the state of society in Madras? No. The village system in Madras was broken up, the villages were inhabited by persons of different castes and of very hostile feelings, and there could be no greater cruelty and extortion than that which you would authorise and sanction, if you were to form these Madras villages into communities for the purpose of paying the rent to the Government, and thus place the weak inhabitants of a village in the power of the strong. You would then see cruelty and servility working their natural results, and he could not look without a shudder to the effect of such a system. Yet these were the only alternative land tenures; you must choose between the ryotwarry, the zemindarry, and the village systems. You could not wait until the ryot grew rich and could buy his land; you had no choice between handing him over to another Hindoo far more cruel than the Government of India in its worst times had ever been, or of binding him up with others in a small community where every man would prey upon his neighbour, and where the poor would be trampled down and almost annihilated and destroyed. His hon. and learned Friend had then, he thought, shown no ground for inquiry into the tenures of land, because the evils attending every tenure which could be suggested as a substitute were each of them far more objectionable than that which at present existed. But there were other grounds for opposing this Motion. The grievances connected with the ryotwarry system, as described by his hon. and learned Friend, and as recounted in any works of authority upon India, were thoroughly well known and understood. Further than this, the remedies for these grievances were also perfectly well known and understood, and it was the wish of the Government to put an end to those grievances as soon as possible. Nothing, in his opinion, could be more objectionable than to send persons to India on a crusade against the ryotwarry system, because he was prepared to prove that they must continue this system in Madras, without denying one single objection which had been urged against it by his hon. and learned Friend. The abuses which had been pointed out were no part of the system itself; they were only evils and excrescences which grew out of it. Remedies for those evils could be substituted and might be applied, and when in operation he contended that the ryotwarry was the best system of land tenure which could be applied to Madras in the present condition of the Presidency. He would take the objections urged by the hon. and learned Gentleman to the ryotwarry system, and on the strength of which he wished to destroy it. His hon. and learned Friend declared the assessment to be too high. Well, this was a conclusive objection to any system. The best system in the world must necessarily fail if the assessment were too high. If you asked a man more than he could afford to pay for his land, you must inevitably be working out his ruin and destruction; and this objection would apply to every system of tenure in the world. The next objection entertained by his hon. and learned Friend was to the excessive amount of Native superintendence, and upon this point he (Mr. Lowe) so thoroughly agreed with him that he did not think the hon. and learned Gentleman went even quite far enough. The ryotwarry system presupposed an accurate survey of the land, and such a survey, as far as he could find, in Madras had never been made. As the necessary information was therefore wanting, a large degree of inaccuracy was the result. In like manner, the classification of the land had been attended to by untrustworthy persons, and required much revision and care. Upon this foundation was built a system of great minuteness, and involving much inspection. The ryot must settle with the Government authorities how much land he had to cultivate and pay for in the year, and must receive a ticket or certificate recording these facts, which was given to him by the collector. These things had to be gone through every year, and it would therefore be seen that the system was one involving minute superintendence, in which the Government appeared not so much the landlord as the partner of the cultivator of the soil, and which was most injurious to the welfare of the population. Besides this, he was quite prepared to say that, notwithstanding the subject had been frequently pressed upon the Indian Government, there had been a tendency to tax improvements, which, of course, ought not to be taxed, and which it was quite unnecessary to argue ought not to be taxed. He allowed, too, that persons were now required to retain in cultivation larger portions of land than they required at the mere whim of the tax collector; and that the system, as at present administered, was vexatious, and afforded constant opportunities of bribery and extortion. All this might be admitted, but did it furnish any objection to the ryotwarry system in itself? It was a strong objection to the practice of annual settlements and to the interference of the Government every year, but it was no objection to the system adopted in Bombay, where they gave leases of thirty years, and made settlements once for all during that period, so that for thirty years the ryot was free to do what he pleased, and was free from the superintendence of the Government officer. If such a principle as that were adopted in Madras—and he knew of no reason why it should not be—the objections of his hon. and learned Friend would vanish at once. It did appear to him, therefore, that the objections of his hon. and learned Friend were not objections to the ryotwarry system in itself, but objections to the abuses which had crept into that system. The want of proper assessment, and the high rate of assessment, could be cured by law; the immense quantity of Native interference and the vexations arising out of it could be cured by giving leases; and in like manner a remedy could be afforded to cases where taxes were levied on improvements, and where Natives were compelled to cultivate a larger portion of land than they wanted. The evils complained of were patent and notorious, and when the remedies proposed were applied—when an accurate survey had been made of the land—when the number of settlements was reduced, and the ryots were placed in possession of the securities asked for on their behalf—what possible tenure of land could his hon. and learned Friend imagine which could be more suited to develope the resources of the country, and to advance the civilisation of such a people than the ryotwarry system? These things being perfectly understood, he asked why they should send out a Commission of Inquiry? Here were evils patent, and remedies, which nobody cared to deny, ought to be applied. But the Government, in his view, ought to build upon the base of existing institutions, instead of going on a wild-goose chase after new systems, which might or might not be applicable in the course of some hundred years—though this point he did not mean to argue—but which, at any rate, were inapplicable now. Whatever might be the faults of the Indian Government, the ryot would gain nothing by having any middleman placed between him and the Government. The only other use of the Commission of Inquiry, if it did not lead to the adoption of a new system of land tenure, would be to stimulate the Indian Government in remedying the faults of the system now in operation. His hon. and learned Friend was afraid that without such stimulus nothing would be done by the Government. Now, he entreated him to believe that the Government did feel the grave responsibility which pressed upon them in this matter, and he did trust that the result of a few years would be—if the House would have patience to allow the proposed reforms to be worked out—to show that the Government were able to redress all the practical grievances complained of, without interference with the system which formed the basis upon which the tenure of land rested in Madras, and upon which he believed it must continue to rest; and that they required no Commission to be sent out to India, either to bring to their minds those grievances, and to suggest remedies, or to stimulate their diligence in redressing them.

MR. DANBY SEYMOUR said, he must remind the House that the evils which attended the tenure of land in the Madras Presidency had been admitted for many years; and so long since as 1840, the answer to a memorial on the subject was, that not a year should elapse before a remedy was applied. Yet, in spite of this promise, not the slightest attempt had been made to meet the complaints of the inhabitants of the Presidency, and the hon. Member for Kidderminster now held out the same delusive hope. He did not believe, with the hon. Member, that the sending of this Commission to India would weaken the authority of the Government there. The people of India were not such fools as they were represented to be, and knew well enough that the real strength of their Government did not lie in India; and therefore the sending this Commission would show the inhabitants of the Presidency that the Government at home had a paternal feeling for the welfare of the people, and were not afraid to acknowledge that those whom they had deputed to take charge of the people had not properly fulfilled their duties, and that as soon as that fact had come to their knowledge they had sent out men to find out what remedy should be applied, and how they could best ameliorate their condition for the future. The condition of the people of India was a perfect disgrace to this country, and to every party who had ever had anything to do with India; and it was the duty of the House of Commons to enforce upon the Government the necessity of applying remedies to the grievances under which any portion of Her Majesty's subjects were suffering. The inquiry into the internal condition of any people would always be productive of good in bringing to light facts which the Government would otherwise never know; and the result of such an inquiry could but tend to strengthen the hands of the Government in carrying out the remedies required;—and for these reasons he considered the appointment of this Commission most desirable. With respect to Southern India, the statistics of the East India Company showed that the land was of no value. Why was it that no Governor General of India, since Lord W. Bentinck, had visited that part of the empire? and why was it that he had never been directed to inquire into the causes which led to this disgraceful state of things? The Governor General could find time to go to the newly-acquired Burmah, or to the pet Punjaub; but why had no visit ever been paid to Madras? He did not think that the Native servants of India deserved all the blame which was always so freely cast upon them, in connection with the existing state of things in India. No doubt they were not all of them of that high character they would desire to see; but there were "black sheep" among the Company's European servants, and their delinquencies were not unfrequently screened by the Government at home. The Native officials were very much underpaid, and it seemed, therefore, to be acknowledged by the Government of India, like that of Russia, that a little peculation was allowable. Another great error in the existing system was, that, in reality, no one knew to whom the land really belonged. The right hon. Gentleman the President of the Board of Control stated, on a previous occasion, that the land belonged to the Government; but it had been stated on authority as high that the land really belonged to the occupier; so that, in reality, it appeared that no two persons were agreed as to whom the land actually belonged. He himself thought that the right hon. Gentleman was correct, and that the land belonged to the Government. But what was the condition of the holder of that land? If a person held land, he had to pay as much as two-thirds of the gross produce annually to the Government, and, indeed, in some places more than the gross produce; so that it was impossible that land could be of any value to the holder, and the consequence was, that one-third of the best land was lying waste and untilled, and the persons who, under a different system, would be encouraged to cultivate that land emigrated in large numbers to Ceylon, or to the Mauritius, and other places. In Ceylon they found it possible to buy land, and the result was, that the greater portion of the land in that island was cultivated by those Tamuls who had been compelled to emigrate from their own country. The system of forcing the revenue was also kept up to a great extent. Persons might not wish to take land, but the subordinates of the collectors would say, "We must make up the revenue," and they would actually compel them to take land. With regard to the tenure of land in the Madras Presidency, he had been much astonished, upon speaking to the right hon. Gentleman the President of the Board of Control on the subject of moving for copies of the list of rules regulating the holding of land, to hear that it would be impossible to produce them, and that no copies of them had ever been sent to this country. These were rules which affected the happiness of a large class of British subjects, and they ought, he thought, to be made public, instead of being kept scret, not only from the public generally, but from those persons whose interests were most deeply affected by them. He believed that there was no farmer in England who did not care more for his stock than the East India Company did for those human beings intrusted to their charge, and that these rules were kept secret was an instance of that fact. He had himself tried to obtain a copy of them, and could not, until at last he had succeeded in obtaining a copy—he was not ashamed to say it—surreptitiously. It appeared to him that the great object of the Madras Government was to get 10*s*. a year out of a man who had only 8*s*. This was not always an easy task, and tortures, similar in their character to those which were applied in the beginning of the last century, were resorted to for the purpose of extorting the required amount. In certain districts this torture goes on every year; and although the civil servants may deny the fact, it is proved by the testimony of many English merchants. Every statement he had made could be proved by the evidence of the collectors themselves, if the East India Company would produce their Reports. He had applied for them to the President of the Board of Control; but that right hon. Gentleman, not of his own motion, but prompted by Sir James Melvill, would not produce them; if he had, this would not have taken place. It was impossible to obtain any useful information about India, for the Reports and documents laid on the table were always prepared in a most slovenly manner, and were either so meagre as to be of no use, or so voluminous that no one could wade through them;—it was impossible, too, to gather from them information on any particular point, because indexes were carefully omitted. The condition of the country was now very different from what it was twenty years ago. The Presidency of Madras contained 700,000 inhabitants; yet a man, if worth 10,000*l*., was considered a rich man; a few years ago it contained many rich Armenians; they had all disappeared, the native merchants were bankrupt, and the whole trade had passed into the hands of a few English houses connected with the civil service. All persons engaged in commerce were entirely dependent on the good offices of the Government; an official had only to show indirectly that he did not like a person, and the Natives would take care not to supply him with anything. Mr. Bowman, the manager of the Porto Nuovo Iron Company, had stated to him that they found it impossible to carry on their business in those districts where the collectors were hostile to them. He had himself visited South Arcot and other districts, and the authorities stated that of these about one-fifth was cultivated; but the Natives assured him that one-fiftieth was nearer the proportion. He had travelled for miles through a desert country; the population was in a most miserable condition, and they formed a striking contrast to the Native officials. If there had been greater communication with India some years ago, the bad management would not have been allowed to go on, and things would never have come to their present state. The district through which the Madras Railway passed was a complete desert; the engineer had stated to him that not one-tenth of the ancient waterworks were kept in repair; the Government would neither mend the tanks themselves nor allow the people to do so. The policy adopted presented a striking contrast to that pursued by Mr. Thomason in the

North West Provinces, which had been attended with such good results. The Madras officials admitted the wisdom of that gentleman's proceedings, and only regretted that there was not some person in their district of sufficient authority to introduce the same practices, which would be a blessing to the people and produce an enormous revenue to the Government. It might be said that a step had been taken in the right direction, as an order had been sent out not to tax improvements; but why had the execution of that order been delayed for six months after it reached Madras? The people had actually been taxed, although the order of the Directors had arrived out and was known to every servant of the Company. One of the great evils of India was, that the laws were not attended to. The House might pass good laws, but the officials knew the Treasury must be filled; if they disobeyed orders, their conduct might be overlooked; but if the Treasury were not filled, if they did not get the last rupee, they knew that they would lose their places, and that others would get them, and the unfortunate Natives would not be better off. But what was the result of the order he had referred to? At Coimbatore he found that new wells had been dug alongside the old ones. The Government said, "We will not tax the new wells, but the old ones must still be subject to it." The result was, all the old wells were abandoned, and in that district alone 3,000 new wells had been dug at an enormous waste of human labour, caused by that short-sighted policy—that desire to grasp money which defeated its own ends. When he was at the foot of the Neilgherry Hills, he saw at each side of his route the most magnificent vegetation. On inquiry, he found that the collector had with difficulty obtained permission to let about a hundred yards at each side of the road at a rent of 10*s*. This strip was highly cultivated, but beyond that, land of the same quality lay waste, because the Government demanded 20*s*., which nobody could afford to pay. The Natives say they cannot touch the land, because if they did they would bring down a host of officials upon them. The labour is there, and the land is there, and both together ought to make capital, yet the Natives were forced to remain idle at home, or emigrate if they wished to do anything. This neglect of the interests of the country and this utter want of common sense appeared incomprehensible; but they proved how just were the general complaints contained in the Native petition presented last year. Every day facts were coming to light that condemned the East India Company. 150,000,000 of people ought not to be handed over to a bastard Company, a Company only in name, who could not choose their own Directors. They had no interest in the country; their mortgage on the revenue was a mere nothing—it was only an annual charge of 640,000*l*. on a revenue of 27,000,000*l*. No matter how much the country improved, they could not get more than 10½ per cent on their original stock, and it was impossible ever for them to so mismanage the revenue as that it should not meet this charge. Some great alteration must take place, and the country no longer present a spectacle that was a disgrace to human nature. The country on the opposite side of the Neilgherry Hills was in a very different state. The people of the Malabar Coast were opulent and prosperous, because they were not a race to play tricks with; but the Natives of the Coromandel were broken-hearted and dispirited by centuries of oppression. On the Malabar Coast the Moplas were an enterprising and industrious race; they were called the "Yankees" of India. This was the only spot in India where private property in land was recognised; and it was impossible to find a more happy, active, or opulent race than its inhabitants, every man living on his own plot of ground, like a yeoman in England. Surely it would be worth while to try the experiment in other parts of the Presidency, and, if it succeeded, to extend it throughout. When private property in land existed all over the world, why should it not be tried in India? He was glad to think that the Governor General had something of the kind in contemplation, as he saw that a portion of land near Calcutta was to be sold out and out. Perhaps the noble Lord would next turn his attention to the neglected Presidency of Madras. Mr. Norton some time since built a house near the city, where he (Mr. Seymour) had the pleasure of dining with him, and he was astonished to find that his host had not the slightest idea of the position in which he stood towards the Government. The house was built on their land, and he could not tell but that next year the assessment would be raised to the full value of the building, without regard to the money that had been expended on it. It was impossible to expect that English capital could be embarked in the country under such circumstances. The Rev. Mr. Blenkinsopp, one of the Company's chaplains, was anxious, not long ago, to establish his son as a coffee planter, and applied for a lease of a quantity of land. He was informed that he might have a lease for twenty-one years, subject to any conditions, as to rent or otherwise, that the Government might think fit to impose during the interval. The rev. Gentleman very properly refused to embark his money on such terms. The collector finally offered to let him have the ground for twenty-one years, at *2s.* an acre, and an undertaking that at the end of the term the rent would not be raised beyond that of the adjoining land. It could not be expected that money would be invested in land on such terms. The Natives were all emigrating to Ceylon, which was becoming a flourishing colony, but India would remain in the neglected and forlorn condition in which it was at present. This question well deserved serious consideration, such as it could not receive from the servants of the Company. The Directors said their officials in India were already too hard worked. This matter required special officials, and if they were not to be found there, they should be sent from this country. It would be no insult to the Government there, and the House would have the whole thing clearly before it, and India would not much longer be left in its present degradation. It was stated that in the south one-half of the gross produce of the wet land and 35 per cent of the dry land was taken by Government; but in the North Western Provinces only one-tenth. Such a difference ought not to exist. 22,000,000 of people were not to be treated in such a way. It was the duty of Government immediately to take some active steps. It would not be sufficient to transfer a Governor from a West Indian colony to the East. However earnest, however clever he might be, it would take years to become acquainted with the nature and wants of the country, and he must almost of necessity fall into the hands of interested parties. The persons best acquainted with Madras admitted that an instant remedy was required. He trusted that the right hon. Gentleman, even if he did not accede to the Motion, would, in concert with the Directors, take into consideration the best mode of redressing these grievances, and would avail himself of the services of the old servants of the Company now in England, who were well acquainted with the Presidency of Madras, and consult with them as to the best means of restoring peace and happiness to the suffering people.

SIR JAMES HOGG said, he must say he had seldom heard in that House a speech wherein any hon. Member had dealt so largely in assertion and so little in proof as that of the hon. Member who had just sat down. ["No, no!"] Although that assertion might not meet with the approbation of some hon. Members, he was compelled to say that the statement of his hon. Friend —who had proceeded to India immediately after the House rose last Session for the purpose of collecting information—and he gave him credit for the sincerity of his intentions and his anxious desire to obtain that information—was unsupported by proof. What was the Motion before the House? He (Sir J. W. Hogg) had listened with great attention to the temperate speech made by the hon. Gentleman who introduced the Motion, and who confined himself to the subject-matter, deprecating a general discussion on Indian Government, which question he observed had been fully discussed last Session, and ought not now to be reopened; but what course had the hon. Member for Poole taken? He opened his carpet-bag, produced his memoranda, and dealt out every possible charge on every possible subject from the statements of every person he met with in the course of his tour. The hon. Member had made his speech in support of a Motion for a Commission to proceed from this country to inquire into the affairs of India; but let him beg the House to bear in mind the observations with which he had concluded his speech—that there was no use in referring complaints to the Governor of Madras, because he had been only recently appointed, and that it would require several years before he could become acquainted with the habits and usages of the inhabitants; and further, that persons who went out from this country were very apt to fall into the hands of interested and designing persons, who, with the very best intentions on their part, might lead them wrong. He apprehended that his hon. Friend was a living illustration of the truth of his own remark, for, acting with the best intentions, he had fallen into the hands of interested and designing persons who were in connection with an association at Madras from which had emanated a petition of a more extravagant and unfounded character than any document he ever remembered to have seen laid on the table of the House or adduced before a Committee; a document which well merited the observation of the right hon. Baronet the President of the Board of Control, that it was a tissue of the grossest mis-statements, the grossest perversions, and the grossest exaggerations. Moreover, when he proceeded on his tour through the country, his hon. Friend, instead of using his own excellent sense and discretion, allowed himself to be attended by two of the emissaries of that very association. Now, he asked the House what was the description of information that could be expected to be gathered by his hon. Friend in a hurried tour, he never having been before in India, and conveyed to him through the medium of two emissaries from such an association? Would it not be of the most exaggerated character? No doubt, his hon. Friend had stated to the House what had been told him and what he believed to be true; but was it a statement upon which the House would like to legislate? But his hon. Friend was betrayed into errors which he had himself adverted to in order to anticipate any remarks he (Sir J. W. Hogg) might make—errors, he considered, which destroyed the utility of the whole inquiry. He admitted that he called the parties before him and made inquiries of them as to the treatment which they had received from the authorities, as if he were deputed by Government. [Mr. DANBY SEYMOUR: I beg the hon. Baronet's pardon. I never said anything of the kind.] At all events, wherever he went that impression was spread by the two emissaries, and the people everywhere assembled around him in multitudes, and were addressed by the emissaries to that effect. His hon. Friend was as incapable as any man in that House of stating that which was not strictly accurate, and he was quite sure his hon. Friend did all he could to remove the misconception spread by the interested persons to whom he had alluded among the ignorant population of the districts they visited; but there could be no doubt that the impression in their minds was that he was proceeding through the south of India as a Royal Commissioner, to whom the people were to come and make their complaints in order that they might be laid at the foot of the Throne and before Parliament. ["No, no!"] That impression was spread abroad and encouraged, he knew, without his hon. Friend's knowledge, and he knew further that his hon. Friend took every means to reprobate it, and to state that such an impression was altogether devoid of truth. But he must add that he had also heard—his hon. Friend would correct him if he were present—that attempts were made to levy contributions from the people on the ground that he was a Royal Commissioner, and in order to meet the necessary expenses. His hon. Friend shook his head in dissent—if the charge were incorrect, he would at once withdraw it; but as the justification for having made such a statement, he would read the published report from the two emissaries, made after his hon. Friend's departure from the country. Speaking of a certain place, they said—

> "Here the ill-will of the Government was first made manifest to our design; Mr. Seymour was spoken of as a humbug and an agitator, and the people were told that it was of no use their giving money; but this did not prevent the people from coming to Mr. Seymour, nor did it prevent the subscriptions from proceeding."

So that it appears that the hon. Member's tour was made use of by those interested persons as a means of levying subscriptions for the purposes of that association, and that he had been made a dupe of. But the House could easily understand the sensation which the presence of his hon. Friend would excite in districts where, except the judge and the collector, the face of a European was seldom seen. In such a district the hon. Gentleman, he understood, was in the practice of taking out a sheet of paper covered with pictures of various kinds of torture, and asking the people, as he pointed to one or other of the representations, "is that the kind of torture to which you were subjected?" He must think that was an act of grave indiscretion. His hon. Friend had referred, apparently as the strongest case of abuse which he could produce, to the coffee plantation of Mr. Blenkinsopp. Now, what were the facts of the case, even upon his hon. Friend's own showing? Here was a lease of twenty-one years given for the land, together with an obligation that after that period the land should not be more highly taxed than similar land in the district. That was called an absurd and preposterous and an uncertain tenure. But he must beg to tell the House that the rent of all the land in Madras was fixed, and could not be exceeded. That was to say, the best land;

the land that was subject to irrigation was subject to a certain rent, which was the maximum rate through the Presidency; inferior land was let according to its presumed lower value, at a lower rate; but every tenant knew at once by looking at the rent of the best land what was the very highest sum which he could possibly be charged. In place of such an arrangement being unreasonable, he contended that it was fair, right, reasonable, and just. Now, if this was—and by the selection it appeared it was—the very worst case of abuse which his hon. Friend could meet with in the whole of his peregrinations through the south of India, then he (Sir J. W. Hogg) did not think that a handsomer compliment could be paid to the Madras Government. As to the other statement his hon. Friend had made respecting Mr. Norton not knowing what he would have to pay for his house, the statement was altogether incomprehensible. The fact was, there was no tax on houses in India. In the three Presidency towns, indeed, there was a house tax to defray the expenses of the police, but in all the rest of India the tax was laid wholly on the land; and if a tenant paid the assessment on the land, he might build upon it or do whatever he pleased without any additional tax. Another of the objections was, that there some change in the title to the land had been introduced, which was represented as a great hardship, when it turned out that the Governor had given to the people of Calcutta the power of redeeming the land. His hon. Friend had also spoken of the energy and industry of the Moplas on the coast of Malabar. He (Sir J. W. Hogg) was sorry to say that official information of a very sad and melancholy character enabled him to bear full testimony to their energy, but it was not the energy of industrious enterprise. They were, in fact, a parcel of ruffians who infested the country, and murdered men for the sake of religious bigotry. These were the men who had been selected for the eulogy and panegyric of his hon. Friend; for his part, he wondered that his hon. Friend did not shudder at the very mention of the Moplas. Then his hon. Friend had introduced a charge against the Government in the case of the Porto Nuovo iron mines. He (Sir J. W. Hogg) did think that these statements, which of course his hon. Friend had received from the Porto Nuovo Company, betrayed the very extreme of audacity. What were the facts of the case? So anxious were the Indian Government to encourage the iron mines of Porto Nuovo that they advanced one sum of money to the Company after another till they had paid the sum of 100,000*l.*, which they might as well have thrown into the sea. A new Company was started, and this new Company was patronised by his right hon. Friend the President of the India Board and by the majority of the Court of Directors, who gave the new Company an assignment of the 100,000*l.* advanced to the old Company for 10,000*l.* paid down. He was happy and proud to say that, though he was in a minority, he resisted this arrangement, for he did not see why the money of the people of India should be taken to encourage a scheme, which, however beneficial it might ultimately prove, was only a private speculation. Now, was not his hon. Friend astounded at the audacity of the parties who had so misled him? [Mr. SEYMOUR: Not at all.] Then his hon. Friend would make a very bad Commissioner, and if his right hon. Friend should think of sending out a Commissioner to India, he hoped the hon. Member for Poole would not be appointed. Complaints had also been made with respect to the want of encouragement of mercantile firms at Calcutta, but no complaint had been made to the Government of India about it, and it was a little suspicious to find persons coming to the House of Commons for a remedy which they could have obtained from the local Government. Returns, it was said, had been refused, but those returns were private and confidential returns from the revenue officers to the Government, and it would be highly detrimental to produce such returns unless there were circumstances which rendered it absolutely necessary to do so. The complaint, therefore, on that head, he considered not well founded. His hon. Friend had also sneered at the Governor General, and talked of his arrangement of the Punjaub as his "pet Punjaub scheme." Now, he would ask those hon. Members who had read Lord Dalhousie's Report upon the affairs of the Punjaub, whether it was a fit subject for sneers? To his mind, it would ever remain the most enduring monument of the energy, the ability, the wisdom, and the administrative skill of the Governor General. The annals of the world could not show another such instance of a country in a state of anarchy and confusion, being, as if by magic, transformed into a land of order, and peace, and industry, yielding a large revenue to the conquerors. His hon. Friend sneered at Lord Dalhousie's frequent absences from Calcutta. It was true that, soon after returning from the Punjaub, he again left Calcutta; but he left it to proceed to Pegu, the seat of war, in order that by his presence he might expedite operations, and bring hostilities to a speedy close. He believed they never had a Governor General who at greater personal sacrifice had seen more of the country than Lord Dalhousie; and yet, apparently because the Governor General did not come to meet his hon. Friend in his peregrinations, he thought fit to sneer at him for visiting every part of India except Madras. He (Sir J. W. Hogg) was sorry that his hon. Friend (Mr. Danby Seymour) should have thought it necessary to refer to past times in order to endeavour to throw imputations upon those who had ruled India. The hon. Gentleman had alluded to the peculation of the Company's servants; but if solitary instances of the kind had occurred a hundred years ago, he (Sir J. W. Hogg) thought the integrity which had distinguished the civil service of India during the last sixty years might have prevented the hon. Gentleman from raking up such charges from the ashes of the past. The hon. Gentleman, however, went on to say that such cases might occur now, and he had the hardihood to assert that the East India Company screened the defaulters, and gave them pensions derived from the revenues of India. Now, the only case to which the hon. Gentleman could have referred was that of an officer in the civil service. In that case the defaulter was tried and convicted; he was entitled to a pension of 1,000*l.* a year, for which he had paid month by month from his salary, and in that sense had fully earned it: when he came home he found that the Directors had deprived him of the full amount. Was that screening an offender? The defaulter applied to the Court of Queen's Bench, who said the "screening" East India Directors had pressed too heavily upon him, that as he had paid towards his pension he was entitled to it, and they ordered that it should be restored to him. He must apologise to the House for having detained them so long on these questions, and he turned with pleasure to the speech of the hon. and learned Gentleman who made this Motion (Mr. Blackett), in whose statements there was much that met his concurrence. Had the debate been allowed to rest upon that able and pertinent speech, it need not have lasted an hour. That there were evils connected with the land tenure all were ready to admit, and the only question was, how they were to be remedied; he could assure the hon. Gentleman that it was his own wish, and the desire of all who had an interest or a part in the administration of India, to ascertain the best remedy for those evils, but he could also assure the hon. and learned Member that it was no easy matter to discover what the best remedy was. The hon. and learned Mover knew very well, from the researches which it was plain he had made, that this subject had engaged the attention of the greatest, the wisest, and the best informed men that had been connected with India. There were differences of opinion, not only as to principle, but even with regard to facts. With regard, now, to this very ryotwarry system, that was now held to be so execrable, perhaps the House was not aware that its author was no less a person than Sir Thomas Munro, who was at first opposed to it; but after communicating with its first advocate (Colonel Reid) he became a convert to it, and the ryotwarry system, wherever it now prevailed, was introduced by the Court of Directors on the representations and advice of Sir Thomas Munro. Now, Sir T. Munro was not led to that conclusion by any views of political economy, but his main argument in favour of the ryotwarry system was, that it did away with middlemen, and that the same man was landlord, tenant, and labourer, deriving, from the union of the three characters, the benefits accruing from each. Not only so, but Sir Charles Metcalfe, when he introduced the system of what was called the North Western Settlement, said, he gave up the riotwarry system with reluctance, but he found he could not introduce it without giving up the system of village tenure—that system of little village republics which had preserved the population of India unchangeable amidst the fall of so many dynasties. As between the ryotwarry system and the zemindarry system, the preference was not so apparent as his hon. Friend seemed to suppose. The Government must in every case be a better landlord than the zemindar, and if the zemindar were to come in the place of the Government, he would have the same difficulty to deal with. Was the zemindar a more considerate landlord than the Government, where he had the power in his own hands? Was he so in Bengal? The very reverse was the case. And yet the zemindarry system was introduced by Lord Cornwallis, another benefactor of India; and that system was then as much lauded as the North Western system was now. The hon. and learned Member had told them that a system was now tried in the neighbourhood of Bombay—which he (Sir J. W. Hogg) hoped would be successful. It was a maintenance of the ryotwarry system thus far—that the land was divided into fields, each of which was held by one individual; the quality of the land was ascertained by an accurate survey, and a particular price was put upon it which was admitted on all hands to be moderate. It was provided that the bargain should be binding upon the Government for thirty years; for that term the ryot might, if he pleased, retain possession, and his rent could not be raised a single farthing. But the tenant had this advantage—that at the end of a year he had the option of giving up the whole of his holding, or as much of it as he thought fit, and at any time during the term of thirty years he might relinquish his tenancy by giving a year's notice. He (Sir J. W. Hogg) must confess that he thought this was going rather too far, and that such a regulation might tend to destroy that feeling of responsibility which would induce a tenant to endeavour to fulfil his contract and to pay the stipulated rent. The hon. Member for Newcastle (Mr. Blackett) had truly said, that a great deal of ground in Madras was too highly taxed, because the price of grain had fallen so considerably that rates of assessment which were perfectly fair in Sir T. Munro's days were exorbitant now. This circumstance showed the necessity of improving the means of communication and public works in India, for, if the production of grain was increased beyond the amount required for consumption in a particular district, means ought to be provided for conveying the surplus elsewhere. He (Sir J. W. Hogg) hoped and believed that the system of communication which had been established in the southern districts of Bombay, and which was nearly completed in the northern districts, would be extended to Madras, for the subject was now prominently engaging the attention of the Indian Government. If this system should be found to succeed in Bombay, it might be applied to Madras; he used the word "might," because the more a man read and investigated, the more cautious he would become in deciding summarily upon the affairs of India. The hon. and learned Member had talked of sending Commissioners in India; but if they searched the whole of Her Majesty's dominions, they would not find such a Commissioner as they had now in India in the person of Lord Dalhousie. That noble Lord was the Queen's Commissioner; it was his duty to superintend matters of this kind; and the subject was now engaging his most anxious attention. To show what differences of opinion might occur, even among men of great talent and information, upon questions of this kind, he (Sir J. W. Hogg) might mention that Sir T. Munro had argued that the ryotwarry system was the original system which prevailed throughout India, while Colonel Wilks and others contended that the village system was, if not the universal, at all events the general system of India. In the course of this discussion the characters of the Natives had been stigmatised by some hon. Gentlemen; but he might remind the House of the obloquy which was last year heaped upon the Court of Directors, because they did not employ in offices of importance those very Natives who were now the objects of attack, and who, it was contended, ought to be eligible to become members of the Council. He hoped and believed that the native officers in India would become honest in time, when they were better paid, and he did not think, considering their station in life, and the rule under which their forefathers had lived, that it was fair to stigmatise their conduct so strongly. He had been astonished to hear it said that British rule would deteriorate the Hindoo race. ["Hear, hear!"] That might be a very sentimental and patriotic cheer, but for his own part he believed that the British rule was regenerative, and he knew that under that rule the blessings of education were being diffused throughout India. It must be remembered, however, that the regeneration of a people was not the work of a year, or of twenty years, or of fifty years, or even of a century; but if, at the expiration of a century, a visible and marked progress was apparent among the people of India, the British nation would have reason to be thankful for the good they had effected. He considered that the greatest evils to which India had been subjected had arisen from attempts to force upon the people of that country English notions and habits; and he believed that the wisest course would have been, instead of attempting to apply any particular system of tenure to the whole of India, or to any of the Presidencies, to have studied the feelings and habits peculiar to the different districts, to have adopted and protected the tenure found to be existing, and to have removed as far as possible all possibility of peculation. That had been the plan adopted so successfully in the North West Provinces by Mr. Thomason, who took things as he found them, protected the weak against the strong, and ascertained by careful survey the quality of the soil in every field, however small, and the extent to which various parties were interested in the property. He (Sir J. W. Hogg) admitted that there were evils attaching to the present system of tenure which ought to be remedied; and he had no doubt that Lord Dalhousie, if he found it necessary, would send persons thoroughly acquainted with the subject to institute an inquiry in the Presidency of Madras. He hoped it would not be thought advisable to send out from this country Commissioners whose knowledge of the matters to be investigated must necessarily be limited, and thus to supersede the Governor General in the main points of his government—the care of the people committed to his charge, and the raising of a revenue in the manner most profitable to the State and least oppressive to the people.

Mr. BRIGHT said, that he was sorry that the hon. Baronet the Member for Honiton (Sir J. W. Hogg) had left his place, for, had he been there, he (Mr. Bright) intended to remark that he could not help thinking that the hon. Member for Poole (Mr. D. Seymour) would have felt that his speech had not been entirely without effect from the apparent indignation with which the hon. Baronet had risen to answer him, and had, after all, succeeded very poorly in the answer which he had attempted. It had struck him (Mr. Bright), as it must have done every Member, that the speech of the hon. Member for Poole was one of those speeches which it was impossible to answer, unless parties chose to say they did not believe a single word which the hon. Member had stated, he only having told of things which he had seen. The hon. Member for Poole had gone to India on an occasion and for a purpose which did him great credit, and he (Mr. Bright) could not conceive anything which would prove more advantageous than if hon. Members, instead of visiting the Rhine, Switzerland, or the Highlands of Scotland, should, in the ensuing autumn, betake themselves to India for the purpose of investigating the state of the country, and especially of the Presidency of Madras, as was done by the hon. Member for Poole. The hon. Member for Honiton had taken greater latitude on this question than he was willing to allow to any one else. He said that the hon. Member for Poole had come down to the House with his carpet-bag, opened it, and brought forward all that he had gathered during his journey in India, and the hon. Baronet had given them a great many facts—or, rather, what he called facts—but he (Mr. Bright) had heard the speech of to-night made by the hon. Baronet at least four times before, and knew precisely what he was going to say every successive Session when he rose for the purpose of refuting, or of attempting to refute, the views advanced by a certain party in this House who were called Indian reformers. The hon. Baronet had charged the Member for Poole with going to Madras and allying himself with a Native association. He (Mr. Bright) would like to know with what party in Madras it would have been more proper for the hon. Member to have allied himself than with an association formed of intelligent Natives, anxious to communicate to Parliament such information as might advance the interests of their country? The information received by the hon. Member for Poole was nothing more than had been confirmed by every work recently written on the Presidency of Madras, and he (Mr. Bright) knew, from conversations that he had had with his hon. Friend, that he had not made any statements with reference to the Presidency of Madras, or of what he had heard from parties connected with the association, that had not been confirmed by information derived from English military and civil servants of the Indian Government. It could not be attributed as a matter of blame to the hon. Member for Poole that, as he went through the country, crowds of people came round him, and certainly if, as had been said, they never saw an Englishman but a tax collector, it must have been a refreshing sight to have found out an Englishman in India who was not a tax collector. They had the fact of an Englishman and a Member of Parliament travelling through the Presidency of Madras, met by large numbers of Natives, who came to take encouragement from him, to tell him their grievances, and to ask him to be their messenger to this House of Commons. This could not be taken as a condemnation of the hon. Member or the Natives of India; but it was a most conclusive condemnation of that Government which had left the people of India with grievances, not only unredressed, but unheard and uninquired into for upwards of 100 years, during which India had been in the possession of this country. The hon. Baronet had said that somebody had made subscriptions when the hon. Member for Poole had gone through the country, and had insinuated that this was for the purpose of defraying the expenses of the hon. Member's journey, and had let this assertion down by saying that the funds were collected ostensibly for the purposes of the association; and what could be more legitimate than that funds should have been collected for the association? Even if this were true, what could be more natural than that the Natives of India should subscribe for the purpose of sending written or published evidence, or special messengers, if they thought right, in order to lay their grievances before Parliament? They were aware that before the Committee evidence had been taken from the servants of the Company, as many as chose to come, and the more welcome they were if their evidence was found to be favourable to the Company. Surely the hon. Baronet would not assert that the Natives of India under his rule and that of his compeers were not to subscribe for the purpose of laying their grievances before Parliament, and of claiming redress? The hon. Baronet was very much surprised at the story of the clergyman who would not invest his capital under the admirable terms offered by the Government, and said that he was only charged the same as his neighbours, and had no reason to find fault; but the charge was, that the neighbours had been charged too much, plundered, and ruined, and the English clergyman was rather more awake and less dependent than his neighbours, and refused to invest his capital on the terms offered by the hon. Baronet. This was generally the case as regarded the settlement of Englishmen, and Mr. Melville, in his evidence, had stated that there were no more Englishmen engaged in manufactures or the cultivation of the soil in India at the passing of the Act of last Session than there were at the passing of the Act of 1834. This was explained by the jealousy with which anything like independent opinion was regarded in India, and any Englishman who settled there, if he did not make a friend of the collector and the Government, could not hope for considerable or permanent success. He should say that, of all the charges and articles of impeachment and condemnation brought against the Indian Government, this was the most conclusive—that, though it had possessed the country for periods varying from twenty to 100 years, yet there were not at this moment as many Englishmen engaged in the interior of the country in agriculture and manufacturing operations as would make one side of the House in a fair division on an important party question. If India had been in the hands of any other country in the world, or under any other Government than that of which the hon. Baronet had formed a part, he (Mr. Bright) believed that this state of things would not have arisen. Had it been in the possession of a despotic prince, he would certainly have had a direct interest in its success and improvement;—had it been under the rule of a democratic Government, it would have stimulated progress and civilisation by the force of its energy. The present state of things could not have arisen, excepting under a corporation by which it was governed, of which it was said—he quoted the words of a distinguished historian—"It was deaf to mercy, and insensible to shame." Unless it had been so, the population of Madras would not have been as they are;—and the hon. Baronet had not attempted to prove that the population of Madras were not in the abject and miserable condition described by the hon. and learned Member who had introduced this Motion—he had, on the contrary, attempted to justify the acts of that shameless corporation. The real question before the House was as to whether the Government should appoint a Commission to proceed to the Presidency of Madras to gather evidence on the spot as to the condition of the people, as connected with the tenure of land, and the taxation on that land. He was not going to contend that it was of much importance as to whether this Commission should go out; something might be said in its favour, and something might be urged against it, and, no doubt, they might choose two or three men in India as honest on this question as any who could be chosen in England, and who, doubtless, from their position, would more easy access to information, and who would probably draw up as satisfactory a Report as any other gentlemen. He would not quarrel with the President of the Board of Control if he did not send out this Commission; but he thought the right hon. Gentleman would fail in his duty if he did not, as a result of this discussion, promote the inquiry recommended, with a view of bringing about the improvements which even the hon. Member for Honiton had admitted to be necessary. He (Mr. Bright) had not done that hon. Baronet justice in saying that his speech of to-night was similar to those formerly made, for he had not made precisely the same speech—he had improved a little, as his admissions were more than on former occasions, and his assertions had been a little less courageous. What was in truth the condition of Madras? It was generally admitted that large tracts of land were lying waste, while great numbers of the population were scarcely employed—were almost absolutely naked, and in a state of physical weakness, arising from the want of the common necessaries of life. This was proved by books, papers, Parliamentary Reports, and a number of witnesses. All the evidence that had been adduced tended to prove this fact. And what was the conclusion? That the land was not unfertile, but so heavily taxed that there was scarcely any profit from working it; and between the miserable pittance derived from it and the large revenue drawn from it by the State, the whole of the annual produce of the land was absorbed, so that the land had no saleable value. This was a state of things which could not always prove advantageous to the Government, and must always prove pernicious and destructive to the people. In this district, notwithstanding the large resumptions of land by the Government, many of which were, in his opinion, unjust and disgraceful, the land revenue had not only not increased, but had declined; and this was a state of things in the continuance of which neither the Government nor the people could long be interested. The hon. Baronet the Member for Honiton had charged the hon. Member for Poole with retailing the stories heard in the country about torture, and wished the House to suppose that he referred to the practice of torture in the collection of the revenue; but would the hon. Baronet deny that the practice of torture was not an unfrequent occurrence? Evidence of this the hon. Member for Poole had gathered from the evidence of Englishmen—collectors and officials—and he had also gathered evidence of that which was yet more horrible than anything which he durst state to this House. The evidence of Mr. Fisher, a most highly respectable merchant in India, given in Mr. Norton's book, clearly showed what could be done. He stated that—

> "If the ryot cannot pay his rent, little consideration is paid to him. Every species of severity is tried to enforce payment—the thumbscrew, bending his head to his feet and tying him in that position, and making him stand in the sun, sometimes with a large stone on his back—all which failing, his property is sequestered and sold, and he is ruined and let loose on society to live by begging, borrowing, or stealing. Thousands are ruined in this way."

One of the Natives, a tutor of the young Travancore Princes, said—

> "When a ryot is unable to meet the demands upon him his person is subjected to torture."

The fact was quite clear that the taxation was so unjust and onerous that it was impossible to pay it; and then cruelties were resorted to unknown to civilised countries, and scarcely fit for the barbarous Governments which the British Government in India had supplanted. The collector's subordinates had the excuse, so far as they were concerned, that if they did not, somehow or other, extort the rent from the wretched ryot, they were themselves dismissed as negligent in their duty. The hon. Baronet had favoured the House with a dissertation on ryotwarry to very little purpose, for any system, by whatever name known, whether zemindarry or ryotwarry, which tore from the cultivator three-fourths of the produce of the soil, was a system which impoverished the tiller of the soil and crushed improvement. It was perfectly natural that the hon. Baronet should censure the hon. Member for Poole for stating unpalatable truths. It was part of the system of the Government to which the hon. Baronet belonged to suppress all such impertinent exposures by dogmatic assertion and arrogant abuse. The Government of Madras had given a flagrant illustration of this principle of action in the outrageous conduct they had pursued towards their own Commissioners, whom they had pursued with insult and contumely for stating how matters really stood as to the question of public works into which they had been directed to inquire. It was expedient that care should be taken that, if the Commissioners suggested were appointed, they should be protected from insults such as these on the part of any antiquated provincial or presidential Governor, whose narrow prejudices they might happen to wound. It was deeply gratifying to turn from such officials and contemplate officers like Colonel Cotton, whose exertions in the promotion of drainage and irrigation in India had done immortal honour to himself, and had conferred a lasting benefit to the country to which his eminent services were applied. Let not the hon. Member for Honiton suppose that hon. Members were actuated by motives inferior to his own. What was sought in such Motions as that before the House was simply that India should be governed in the manner most consistent with the true dignity of this country and with the true interests of India herself; and having been the means of subjugating 100,000,000 or 150,000,000 of people to the rule of the Sovereign of this country, what was so befitting the consideration of Parliament as the grave question now under consideration? It was perfectly competent in us to do far more for India than had been done for her by her ancient rulers; and he trusted that, so far as these discussions should be permitted to reach the natives of India, they would convince them that it was the desire of that House to apply sound principles to the government of India, and to confer upon that country all the civilisation and all the accompaniments of civilisation which it was possible to confer upon a country so differing in its conditions from our own

Sir CHARLES WOOD said, he would not, in the brief observations he should make, follow hon. Gentlemen in the discursive discussion they had entered upon, but confine himself altogether to the point which the hon. and learned Gentleman, in his temperate speech, had propounded—namely, the tenure of land in India. To a considerable extent he concurred with his hon. Friend the Member for Honiton, that it was of little use for Members to come there and detail specific instances of alleged abuses which it was not possible for the House to inquire into or to remedy, while absolute silence as to those alleged abuses was observed towards the authorities on the spot, who could inquire into the truth of the story and apply a remedy. It seemed to him, for example, quite unintelligible how the respectable merchant of Calcutta, who was said to have sustained such injuries near Madras, had not sought redress from the authorities at Madras. [Mr. Danby Seymour said, the gentleman had applied for redress, and had got it.] He was very glad to hear that; but then there was no imputation whatever on the Government. As to the existence of many evils in India, no one denied that such evils existed; what he denied now, as on former occasions, was, that the tenure of land had occasioned those evils. The hon. Member for Poole himself admitted that the cause of these evils was to be found in the over-assessment of land, and had given an example where the assessment, having been reduced, land had been brought into a state of the highest and most advantageous cultivation. The Motion of the hon. and learned Member was not for an inquiry into the assessment of land, but into the tenure by which it was held. Now, that tenure could have nothing to do with the condition of the peasantry; for if the assessment were not altered, it would make no difference whether the ryotwarry or the zemindarry tenure prevailed. He was surprised that his hon. Friend had not referred to modern as well as to ancient authorities upon the subject of the tenure of land, as not only Sir T. Munro, but almost all the authorities to which the hon. Member for Manchester had referred as impartial and trustworthy, had given the most decisive testimony in favour of the ryotwarry tenure in India. Throughout the greater part of the Madras Presidency that was the native tenure, and the greatest evil with regard to the tenure of land which had ever been inflicted upon India had been inflicted by the attempts which had been made to introduce English tenures, which were utterly contrary to the habits and customs of the country. No greater example than that of Madras could be adduced to prove the folly of sending out English gentlemen to carry out English notions with respect to the tenure of land in India, and in that Presidency the attempt was a most signal failure. In some cases they found that avillage tenure, and in others that a ryotwarry tenure existed; but they chose to introduce a zemindarry tenure, and sold up the whole district in order to do so. But in the course of twenty years the whole of the zemindars were sold up, and they were forced back to the ryotwarry tenure, finding it impossible, after causing the greatest misery, to carry out the system they had endeavoured to introduce. With regard to the hon. Gentleman's argument about employing Native officers for the purpose of collecting the revenue, he would ask what would be the case if the ryots were handed over to the tender mercies of the zemindars? Were the ryots in Bengal, who were under the zemindars, in better position than the ryots who were under the Government of Madras? He would appeal to the books to which reference had been made, in proof of the lenient treatment of the ryots by the Government of Madras, in comparison with their treatment by the zemindars. It was obvious that this must be the case, for the zemindar was a middleman between the Government and the ryot, and would, therefore, make a profit out of the ryot in addition to the rent he paid. His hon. and learned Friend said, it was absolutely necessary to have certainty of tenure, and that, therefore, they must do away with the ryotwarry system; but that was a system which in India gave the greatest certainty of tenure, because under it the ryot held the land for ever, so long as he paid the rent; while, under the system of the North West Provinces and Bombay, he had only a lease for thirty years, and under the zemindarry system he was always at the mercy of his landlord. Why, then, should they substitute for the indefeasible right to land which existed under the ryotwarry system, the thirty years' lease of it which existed in the North West Provinces, or the tenure, nearly at the will of the zemindars, under the zemindarry tenure? The hon. Member for Newcastle had quoted the evidence of Mr. Bourdillon, a most able and intelligent man, with regard to the Presidency of Madras. Mr. Bourdillon said, that nowhere was land clung to with greater affection than in India; it descended from father to son, and could be claimed notwithstanding its having been allowed to go out of cultivation. Mr. Fisher, another authority which the hon. Member for Manchester had quoted, said, the ryots could not have a more permanent interest in the soil than they at present possessed, for if a ryot had fifty acres, and only cultivated ten, he only paid for those ten, and no one dare interfere with the remainder. This, no doubt, accounted to a considerable degree for the quantity of land that appeared to have gone out of cultivation, for the ryot cultivated no more than suited him, and only paid for what he cultivated. Then, with regard to the point of the greater certainty of the ryotwarry than of any other system, he would quote, not any servant of, or any one who might be supposed to be friendly to the East India Company, but Mr. Mackay, who had been sent out by the Manchester Chamber of Commerce to inquire, among other things, into the tenure of land in India. Mr. Mackay was of opinion that the ryotwarry tenure was the only one upon which the solid foundation of a land tenure could be raised. Mr. Norton, who would not be very favourable to the Company, was also of opinion, after having resided for some time in the country, that the ryotwarry system was the best that could exist. Mr. Fisher also expressed a similar opinion; he said they knew what the ryotwarry system was—as long as a man paid a certain assessment he had his land. He admitted that, generally speaking, the assessment was too high, but that did not alter the tenure of the land, to which, as long as a man paid his assessment, he knew that he had an indefeasible right. Mr. Bourdillon said the defects of the system were not practically felt, as land was bought and sold, and capital invested in it, without the least hesitation, on account of the certainty of the tenure. He thought it would not be necessary to add more upon the subject, although there were several authorities which he might quote to the same effect; and it might be fairly assumed that this ryotwarry system was the most certain tenure we could have in India. He believed that great ruin and misery had been entailed upon India by the attempts of benevolent gentlemen to force English notions of tenure upon an Oriental people, accustomed to widely different notions, to which they were deeply attached. No doubt those who engaged in this attempt had done so with the most benevolent motives, but the effect of these measures had been wide-spread ruin and misery. It was to one of those Anglo-Indians, who had been so slightingly referred to in the course of the debate, that we owed the sytem now in operation in the North West Provinces, which had answered so well, being simply adopting and improving the system already known to the Natives. Where the village system prevailed the inhabitants were dealt with on that footing; if there was a landlord, that agreement was recognised; and in like manner if the ryotwarry system existed that was assumed as the basis of operations. Now, in the greater part of Madras the Natives were accustomed to the ryotwarry system in the times of their Native princes, and that system was, therefore, on the recommendation of Sir Thomas Munro, continued in the districts where it had formerly prevailed. Sir George Clerk, in his evidence before the Committee of last year, distinctly stated that it was impossible to re-establish the village system when once it had broken down; and Mr. Norton's book contained a most forcible argument against this system as not so well calculated as the ryotwarry system to promote the welfare of the people. He believed nothing could be more fatal than any attempt to subvert the present system and to replace it by one founded on European notions, and he therefore believed that nothing could be more useless, or, if it produced any effect at all, more pernicious, than to send out a Commission from this country. But although he thought it would be impolitic and unwise to attempt to interfere with the tenure of land, he was far from thinking that there were not many evils in the present system which it would be advisable to attempt to remedy, and among them, no doubt, was the assessment of the land. He had always felt that the executive Government ought to take such measures as would put that assessment upon a reasonable and proper footing. With a view to attain that object, when a new Governor of the Presidency of Madras was to be appointed, a gentleman had been nominated whose name was never mentioned without honour (Mr. Thomason), because, of all men who had ever lived, he had shown himself possessed of a peculiar faculty of discovering what was suited to the peculiar condition of every part of the country, and of selecting the instruments for carrying out his designs with the greatest possible ability. But this gentleman had been unfortunately cut off in the midst of his most useful and benevolent career, even before the news of his appointment reached him. The Governor General had proposed to him to send out a Commission to inquire, not into the tenure of land, but into the assessment upon the land; but he considered that the Government of Madras, without losing time in inquiries, might in many cases at once apply an adequate remedy, and he had pressed that opinion upon Lord Harris, not only before he went to his Government, but in every letter he had since written to him, as he had no doubt that one of the first steps towards putting the revenue upon a satisfactory footing would be the reduction of the assessment in many cases. He believed that it would be necessary to reduce the assessment, and that, although the first result of such a step might be to decrease the revenue, its ultimate effect would be to increase it, by stimulating cultivation. The hon. Member for Poole had been kind enough to give him some credit for having paid attention to this subject. He could only say that, from the time he had been appointed to fill the situation he had now the honour to hold, he had felt that it was one of awful responsibility, and he had laid these matters to his heart, and had done his best to introduce every possible improvement into the administration of that country. It was, however, impossible, when old habits and feelings had to be rooted out, that improvements could be effected in two or three months. He believed that if there was an improvement in the system of collecting the land revenue, and if, by means of a large expenditure on public works, the people were placed in possession both of greater facilities for internal communication and better means of cultivating the soil by irrigation, Madras would not long continue the benighted land that it was said now to be, but that we should see a great improvement in that Presidency, which he was aware stood more in need of it, and was at the same time more susceptible of it, than any other part of India. He hoped, therefore, that his hon. Friend would not think it necessary to take the sense of the House upon his proposition, which, even if it were carried, would lead to no good result.

Mr. J. G. PHILLIMORE said, he thought the President of the Board of Control had put the question upon a totally fallacious foundation. They were not discussing the relative merits of the zemindarry and ryotwarry systems, but simply whether—as administered in the Presidency of Madras—the working of the ryotwarry system was not disgraceful to a Christian Government. The fact was that, under the system of land tenure at present existing in Madras, not one-fifth of the soil was under cultivation; and that, to extort the enormous rents now wrung from the miserable cultivators of the soil, torture was not unfrequently employed. Such a state of things as that he thought certainly demanded inquiry from an English House of Commons. It was stated, too, in a Report emanating from the servants of the

East India Company, that farming in India was at present a wild speculation, which no reasonable man would undertake; and that land was quite unsaleable in the market. Was that a state of things which should be permitted to continue? The ryots were not allowed to cultivate as much or as little as they pleased; and the fact was that the country was reduced to the lowest state of degradation, and that the whole state of things was so flagrant and disgraceful that any means by which so foul a blot could be wiped from the British name ought to be adopted.

MR. MANGLES said, the whole question lay in a very small compass. It was, as his right hon. Friend the President of the Board of Control had said, not a question of tenure, it was a question of assessment; and the proof that it was not a question of tenure was to be found in the flourishing condition of the Canara district, where the ryotwarry system had been long established.

MR. HENLEY said, he thought the hon. Gentleman who had brought forward this Motion must be quite satisfied with what had taken place, and with what had been said by the President of the Board of Control and by the other Gentlemen who had taken part in the discussion, and who, although they did not agree that the question had been properly introduced to the House as a question of tenure, had admitted the misery of the people, had admitted that excessive rents were exacted, and had not denied that those rents were extorted by torture. He confessed that he had been astonished that neither the hon. Baronet the Member for Honiton, nor the right hon. Baronet the President of the Board of Control, had said a single word in contradiction of the fact, which the hon. Member for Manchester had broadly stated, that torture had been resorted to for the purpose of obtaining payments of rents which were avowedly excessive. He thought that it would strike the British public with surprise, that no Member of the Government had denied what was, at all events, a most appalling statement. People might naturally think that this was a question of tenure when, the excessive amount of the rents being admitted, instead of the rents being reduced, the first step was the appointment of a Commission to inquire into the mode of collecting them. It showed how these questions were dodged about. The right hon. Gentleman, however, had given them a starting point—he said that the people would not cultivate the land because they were required to pay more rent than they could afford to pay; and he said, also, that the time for consideration was past, and that the time had come to act. The latter admission, taken in connection with the first, could only mean that the Government had resolved that the excess of rent should be reduced. Whenever that should take place a larger quantity of land would be brought under cultivation, and the revenue, instead of diminishing, would increase. The Motion had been of service, if only for extracting these declarations from the President of the Board of Control; but it was desirable that before the discussion closed the House should hear something from the Government upon the subject of the alleged application of torture.

SIR CHARLES WOOD said, that having been pointedly referred to, he could only say that he did not believe the statement; but having heard the allegation for the first time that evening, it was wholly impossible that he could give it an authoritative contradiction without reference to Madras. It was impossible to prove a negative, but the statement having been now made, he would undertake that inquiry should be made.

MR. MANGLES said, it was impossible to prove a negative; but he could solemnly declare that he had never, during the many years he was in India, heard of a single case of torture having been resorted to in Madras for the purpose of collecting the revenue.

MR. V. SCULLY said, instances of it were recorded in the evidence. In one of the works quoted by the President of the Board of Control, it was positively stated that pressure upon the head in the heat of the sun had been inflicted until money was extorted. This was a most terrible state of things, which he could not believe would be allowed to continue. The question, however, had nothing to do with the Motion, which was for an inquiry into the tenure of land in India. This had been met by the right hon. Gentleman with a mere quibble that the question was one of assessment. But this was a mere play on terms—tenure included assessment. India, like Ireland, was rated at rack-rents, and that was its tenure. The tenure of land was at the basis of the prosperity of a country. The case of Ireland was an illustration of the system. By looking at the face of a country you could see what the tenure of its land was. In Belgium, for instance, the tenure was far better than in this country, as the agriculture was superior; while, on the other hand, in Syria it was abominable. This applied remarkably to India, where the ryotwarry system was ruinous. He could not collect from the speech of the right hon. Baronet (Sir C. Wood) why the inquiry should be resisted; but the right hon. Gentleman certainly was very warm against the proposition. He thought a strong case had been made out for inquiry, and he should support the Motion.

Mr. OTWAY said, he was astonished to hear from the hon. Member for Guildford (Mr. Mangles) that he had never heard of the infliction of torture in India, when he must know that a Motion for inquiry into the subject had recently been made at one of the meetings of the Court of Proprietors, but had been stifled in the way in which inconvenient motions generally were at the India House. But he (Mr. Otway) knew that the practice of torture did prevail in India, and to put the matter beyond doubt he would read part of a letter addressed by a gentleman (Mr. Theobald), a member of the Calcutta bar, to the hon. Member for Poole, in which he showed beyond doubt that the practice did prevail. It was as follows—

> "We have had news of the course of your inquiries, and of some of their results. Almost every vice and abuse flourishes in India. Your discovery of the practice of torture is no news to me. I believe it is practised in every lock-up house in Calcutta. In the Mofussil I had personal proof of it not long ago. Two ladies, a gentleman and myself, went up to Burrackpore, in a palkeegharre, having a coarse bag containing 400 rupees, which was certainly in the gharry just before our arrival, but was missed on arrival. After fruitless inquiry it was proposed to use the thumbscrew, and we were assured by that means the thief could be discovered; we refused permission, but were assured it was a common practice."

It was high time to depart from a system in which such practices are common. The root of the evil, in my opinion, lies in the civil service; one man is placed officially over a million of people, scattered over some thousands of square miles, and everything depends on his virtue and ability. It is absurd to make such distinctions between him and all the uncovenanted; he is the tyrant over all and is too apt to be hoodwinked by the clever but low class of Natives. Really the civilian governs only in name, the real governors are the knavish Natives. The support, also, which civilians uniformly receive at head quarters makes them virtually irresponsible. There is a mutual compact among the members of this class which defeats all complaints against them, though complaints often are made, and are well founded.

Mr. MANGLES explained that what he had said was, that he had never heard of torture being applied for the purpose of the collection of the revenue; though he had heard of torture being inflicted by police officers, who exceeded their authority, for the purpose of extorting confessions from criminals.

Mr. ELLIOT said, that during a service of thirty years in India, and in connection with its administration, he had never heard of torture having been used for the purpose of collecting rent. He had not heard of such a thing until it was mentioned in that night's debate. He did not believe such a practice existed at Bengal or Madras. There might have been individual instances of misconduct on the part of Natives of India in authority; but he was perfectly satisfied that torture had never been resorted to as a system for the purpose of collecting revenue in any part of India. He might add that he had never heard of such a thing as a thumbscrew being used in India.

Question put.

The House *divided*:—Ayes 59; Noes 64: Majority 5.

CONSTABULARY FORCE—IRELAND.

Mr. J. D. FITZGERALD said, that, in bringing forward this Motion, he was not actuated by any feeling of sectarianism; but his object was to ascertain if there had been any unfair dealing with reference to promotion in the constabulary force; for, if anything of the kind existed, it was calculated to prejudice the character of the force. The main body of that force consisted of Roman Catholics, and it appeared that they had been almost entirely excluded from promotion. The whole force consisted of about 12,500 men, of whom, as well as he could ascertain, 9,000 were Roman Catholics, and the remaining 3,500 were Protestants. With regard to the officers of that force, there was one inspector general, who was a Protestant; two deputy inspectors, also Protestants; two assistant deputy inspectors, Protestants; and thirty-five county inspectors, who were all Protestants, with the exception of one, appointed since he had given notice of his Motion. The House must bear in mind that it was upon the recommendation of the county inspectors that all promotions from the lower grades were made. The paymasters, receivers, and surgeons were all Protestants. In the whole country there were 248 sub-inspectors, and of them 219 were Protestants; there were 322 head-constables, 268 of whom were Protestants; 1,800 constables, 1,300 of whom were Protestants; but of the sub-constables, who composed the main body of the force, the number of Catholics was 8,300, and of Protestants, 1,600. The effect of this system had been to induce many sub-constables to leave the force and to emigrate. He did not make this Motion, as he had just stated, with any sectarian spirit, for if the picture had been reversed, and if there were an undue promotion of Catholics, he should have still more willingly brought the circumstance under the notice of the House. The great power of this force was derived from the respect entertained for it by the people. Ireland was now almost denuded of soldiers, and the preservation of peace and order was intrusted to the constabulary, and he called on the Government not to allow a system to go on which would shake the confidence of the people in that force.

Motion made, and Question proposed,

"That there be laid before this House, Returns of the number of Inspectors, County Inspectors, Sub-Inspectors, Receivers, Surgeons, Assistant Surgeons, Veterinary Surgeons, Paymasters, Head Constables, Constables, and Sub-Constables, now forming the Constabulary Force in Ireland, and stating the pay and emoluments of each class, and the number of Catholics in each class:

"Of the number of Promotions or Appointments to each class above the rank of Sub-Constable in each year for ten years last past, and stating in each instance the number of Catholics promoted or appointed:

"And, of the number of Sub-Constables who have left the force within the last three years."

SIR JOHN YOUNG said, he hoped the House would support him in resisting this Motion, for he felt convinced that the production of a mere return of figures, unaccompanied by a statement, would be commented on as all such things were in Ireland, and would have the same gloss put on it as the hon. and learned Gentleman had endeavoured to throw over the statements which he had just made. He was prepared to assert that no injustice had taken place in the promotions in the constabulary force, nor did he believe that they had been at all influenced by any sectarian partiality. On the contrary, instead of the Roman Catholics having been unjustly treated, they had received even more than their just share of promotion. It must be remembered that, though the Roman Catholics formed the great majority of the population of Ireland, they did not form the majority of those classes who were eligible for situations where education and intelligence were required. The hon. and learned Member asserted that the Roman Catholics were quitting the force and emigrating on account of the unfairness with which they were treated in respect of promotion, but the numbers of Protestants who had left the force was much greater than that of the Roman Catholics; and he must, moreover, express his entire disbelief that the reason given by the hon. and learned Gentleman was anything like the true one for the resignations that had taken place. The grievance of which the constabulary had complained in their memorials to the Government was insufficient pay, and in no single instance had any complaint been made of partiality in the distribution of promotion. Originally the force consisted almost altogether of Protestants. When Sir Duncan M'Gregor took the command of it they were nearly two to one to the Roman Catholics, though now the proportions were exactly the reverse; but it must be remembered that length of service was one of the most important qualifications for promotion, and as all the older constables were Protestants, it was not unnatural that the higher officers were mostly Protestants. Thus, among the head constables of the class first, out of fifty-four only fourteen were Roman Catholics and the remainder Protestants, the proportion being seventeen to forty; among the head constables of the second class ninety-three were Roman Catholics and 173 Protestants, or as seventeen to thirty-one; while among the constables the numbers rapidly approached their natural proportions, there being 930 Roman Catholics and 808 Protestants, or seventeen to fourteen. There was no doubt, however, that in course of years, as the length of service of the Roman Catholics increased, they would gradually emerge into the higher ranks. With regard to punishments and rewards, last year he found that 174 Roman Catholics had been dismissed and seventy-six Protestants, while special rewards were granted to sixty-three Roman Catholics and twenty-eight Protestants, corresponding nearly with their respective numbers in the force. The resignations, too, seemed to hold pretty much the same proportion, being 498 Roman Catholics, and 277 Protestants, during the last year. The average service of the officers promoted was, for the Roman Catholics, 19 1-13 years, and for the Protestants 22⅛; therefore, if anything had been done it was rather to promote the Roman Catholics than to keep them back. He did not think the return moved for by the hon. and learned Gentleman would be useful to the public service, and he should, therefore, not consent to it.

MR. J. O'CONNELL said, he thought the right hon. Gentleman had made an admirable case for giving the return. Any evil that could result from publishing the figures would be produced by the discussion. If the return were granted, the right hon. Gentleman could take the opportunity of making any statement he wished.

LORD NAAS said, he should oppose the Motion. He had never heard one more likely to have a mischievous effect, from its sectarian tendency; nothing was more likely to give that character to the force, which had been so free from it since the first institution. The force possessed the confidence of every class, which it would not, if it was sectarian. The Motion was an attempt to get up a grievance, and make an attack on Sir Duncan M'Gregor, than whom there was not a better or more successful officer under the Crown. He had brought his force to as high a state of discipline as any regiment in Her Majesty's service. He wished the right hon. Secretary for Ireland had opposed the Motion, on the ground that it was an attempt to censure a meritorious officer. It would be different if the hon. and learned Member for Ennis had brought forward any case of injustice to a Roman Catholic; he did not, because none such existed. The men were leaving the force in large numbers, but that was because the Colonies presented more advantages than the low pay of the Government; but there was no discontent amongst them.

MR. J. D. FITZGERALD said, he entirely disclaimed any intention of attacking Sir Duncan M'Gregor. As the noble Lord, however, had challenged him he would produce an instance. There was only one Roman Catholic amongst the county inspectors. That gentleman, Mr. Bracher, had been appointed only since his notice had been on the book, and he believed in consequence of it; he was a most excellent officer, who had served as an inspector for twenty-one years. It was not the fact that when Sir Duncan M'Gregor took charge of the force it was almost entirely Protestant; he was only ten years at the head of it, and the returns showed that long before that time the proportion of Protestants and Roman Catholics in the lower ranks was nearly the same as at present. The force was disciplined by Colonel Shaw Kennedy. He should press his Motion to a division.

Question put.

The House *divided*:—Ayes 21; Noes 62: Majority 41.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 12, 1854.

MINUTES.] PUBLIC BILLS.—1° Russian Government Securities.
Reported—Friendly Societies (No. 2).
3° Commons Inclosure (No. 2).

MEDICAL GRADUATES (UNIVERSITY OF LONDON) BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BOUVERIE said, that with regard to Great Britain, certain medical bodies had the exclusive privilege of exercising the medical profession in England. Great exception was taken to this monopoly by learned and competent members of the medical profession who had graduated in Ireland and Scotland. The Bill now before the House proposed to extend the monopoly to those who had taken a medical degree in the University of London, and there was a further proposition to include the University of Durham. If the medical graduates of the London and Durham Universities were to be admitted to the monopoly of practising in England, they would naturally be anxious to perpetuate it, to the exclusion of their Irish and Scotch brethren. He thought the monopoly was a bad one, and that it ought to be got rid of, and he would therefore move that the House go into Committee on the Bill that day three months.

MR. COWAN seconded the Amendment. He said he must contend that the University of Edinburgh had equal claims with any other to the consideration of that House. Its fame as a medical school was well known; in this respect it stood as high as any University in Europe. Its professors had been most successful in training up a band of medical practitioners. The subject was one which the Government ought to have taken up long ago. The existing state of the law was such as to protect the unqualified practitioner. The continuance of this anomaly inflicted a great injury on medical science and the community at large. He therefore hoped the Government would introduce a Bill on the subject early next Session. He objected to the present Bill on the same ground as the hon. Mover of the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

VISCOUNT PALMERSTON said, that when his attention was first drawn to the Bill, he certainly shared in the opinions which had been expressed by his hon. Friends behind him, and thought that it would be most desirable to postpone the measure until the Government had been able to mature some general arrangement for the consideration of Parliament. But he confessed that the representations which had since been made to him on behalf of the London University had altered the view which at first sight he was disposed to take, and he now thought that, with a change in the wording, which he should propose in Committee, and which would have the effect of merely carrying out the understanding that he conceived had been come to between the supporters and the opposers of the Bill, and the purpose of which would be to exclude the surgical practice and confine the privilege to be given to the London University to medical practice, in the same manner as practically the degrees of Oxford and Cambridge were confined, he might recommend the House to adopt the Bill. When the London University was first established, it was very much for the purpose of opening the channels of professional avocation to persons who did not belong to the Church of England. Degrees at Oxford and Cambridge were incumbered with certain tests and declarations which practically excluded Dissenters; and when the University of London was established there was a distinct understanding between the promoters of the University and the Government that the degrees to be granted by that University should for all professional, not ecclesiastical, purposes confer the same privileges and advantages as were conferred by similar corresponding degrees at Oxford and Cambridge. The professional advantages conferred related to law and medicine; and accordingly degrees in medicine had been granted, and he was informed, and he believed correctly informed, that the medical examination at the London University was quite as good as—if not better than—the examinations at either of the two Universities or that of the College of Physicians. In short the public had quite as good a security by means of the degrees conferred by this University as they had by the degrees conferred by any other. As far, then, as the interest of the public was concerned, no objection could arise from continuing the power the University had hitherto enjoyed. And as far as the Dissenters were concerned, it seemed to him that it would be a breach of faith to shut upon them now that channel to professional avocations which by means of this University had been open to them for a considerable period. Now what, then, was the circumstance which rendered any legislation at this moment necessary? The circumstance was this. In the course of last Session a Bill was passed regulating lunatic asylums, and connected with lunatics, which gave the power of granting certificates, and confined that power to persons legally authorised so to do, and doubts had since arisen whether, under the law as it now stood, those graduates of the University of London who had, in the course of their professional practice, given those certificates, might not be subject to penalties for having done so. Now it would be very unfair, he thought, to impose a new penalty upon gentlemen who, having taken degrees after examination, had fully sustained their qualifications to practise, and expose them to this penalty in consequence of the inadvertent legislation of last Session. It did not appear to him that the Bill would at all interfere with any general arrangement which Parliament might think fit to adopt in the course of next Session. It was exceedingly desirable that some general arrangement should be effected. He had been in communication with the Presidents of the two colleges of physicians and surgeons upon the subject; and only that morning one of those gentlemen had suggested to him a mode of coming to some arrangement, which he (Lord Palmerston) thought might possibly furnish the Government with materials from which to frame a measure for the consideration of Parliament. But if he thought this Bill would throw any difficulty in the way of such a general arrangement, undoubtedly that would constitute an objection to the measure. He could not, however, think that it would. On the contrary, if it confined the power and the privileges granted by the London University to medical practice, and did not extend them to surgical practice—if it simply gave to graduates of the London University those privileges of medical practice which the degrees of Oxford and Cambridge had practically given them—it would have this effect: it would merely confirm by law an arrangement which had existed ever since the commencement of the University; which was entered into with it when first its constitution was framed; and he thought it would be an act of injustice to the University, and especially towards the body of Dissenters, who were very much interested in the matter, if that House did not agree to the Bill, subject to the limitation in regard to surgical practice, which he should feel it his duty to propose if it went into Committee.

MR. ATHERTON said, it was his intion to support the Bill. He thought the opposition to it was based on the "dog-in-the-manger" principle. Nothing could be more disgraceful than the present state of the law regarding medical practice. The qualified practitioner had literally no protection; for, notwithstanding diplomas and degrees, quacks might practise surgery as largely and successfully as qualified persons, provided they gave up the questionable advantage of being able to sue for their fees. He thought the Bill would effect a desirable improvement as far as it went; and it was no reason for rejecting it that it did not apply to the three kingdoms. The University of Durham stood on the same footing as that of London, and was entitled to the same privileges.

MR. WALPOLE said, he thought the effect of the Bill would be to increase existing anomalies, and therefore hoped it would not be further proceeded with during the present Session. He entirely agreed with the reasons which had been given for introducing the Bill, if it were not proposed to amend the general state of the law. If the Universities of Oxford and Cambridge had the power of granting licences for the practice of medicine, which other Universities, like London and Durham, did not possess, that power ought to be conferred upon the latter Universities, and all the Universities should be placed upon the same footing. Was it advisable, however, he would ask, to introduce more anomalies into the law than existed at present? They must bear in mind that there were twenty-two different bodies in the United Kingdom which had now the power of granting licences of different descriptions. Some of these bodies had the power of conferring certain degrees, and others of granting licences; some of granting licences in particular districts, like two counties, and some in certain parts of the kingdom to the exclusion of others. Now what this Bill proposed to do was, to give the University of London the power of granting licences just in the very district that was already filled up, and not in those districts that were vacant. By the Statute of Henry VIII. power was given to the Universities of Oxford and Cambridge to grant licences for the practice of medicine in every part of the United Kingdom except within seven miles of the City of London; and the University of London asked by this Bill the advantages which were now possessed by Oxford and Cambridge. In other words, the University of London, which was in the centre of the metropolis, was to have power of granting licences where other licences might be given now, but took no power to grant licences within seven miles of the city of London. Surely, if the University of London was to have the power of granting licences at all, that power ought equally to extend to the metropolis. He understood that the noble Lord proposed to alter the Bill in Committee, and further to amend it with reference to a point that had been amended before—namely, the exclusion of the College of Surgeons from its provisions. He (Mr. Walpole) thought there were special grounds for excluding that college; but if the degree of any University was to be a sufficient licence to a man to practise in surgery, medicine, or physic of any kind—if such a degree was to give the power to the student to practise higher branches of the profession than that of surgery—why should the licence confer privileges in the one case which it did not confer in the other? Was the education in surgery less advantageous or less extensive in the London University than the education in medicine? On the contrary, he believed it was greater, and that it was better and more scientifically conducted than the education even in reference to medicine. That being so, he was anxious not to prevent the members of the London University from having the same privileges which were now enjoyed by the members of the Universities of Oxford and Cambridge, and he wished the House not to interpose another anomaly which would interfere with any effective legislation upon the subject. He would therefore suggest that a new Bill should be brought in next year. Rather than give these twenty-two bodies co-equal and co-ordinate authority to grant licences—instead of enabling them to run against each other so that the public had no guarantee that the qualifications they granted were good—he would recommend a law securing, in the first place, uniformity of education in the different bodies granting licences, and secondly, uniformity of qualification. There was only one way of securing these objects, and that was by letting the Universities have the power, which they now possessed, of conferring degrees in the various branches of medicine on the young men who studied there, so as to give them the opportunity of going into the world with a certificate of merit when they began their practice; and to intrust certain bodies in each of the three kingdoms with the power of saying whether or not the qualifications of these young men were of such a character and their education had been carried to such an extent that the public might have a guarantee in these licences that they might trust their health and their lives to these young men. He concurred in thinking that if the power of granting licences were left with the Universities of Oxford and Cambridge it must also be given to the London University.

Mr. NAPIER said, he wished to say a word in behalf of the University of Dublin, which he had the honour to represent. He held that all colleges which gave a sound and sufficient education, and had not now the power of legally conferring a diploma or degree, ought to have such a power granted to them. The present Bill would, however, extend the limitations contained in the Statute of Henry VIII., and continue to exclude the University of Dublin from this privilege.

Mr. STRUTT said, that from the original foundation of the London University, the clear understanding had been that its object was to give to those persons who were not members of the Church of England the same civil privileges as were possessed by the graduates of Oxford and Cambridge. That principle had been generally acted upon from that time to this, and had been recognised by every successive Government, including those of Sir Robert Peel, Lord John Russell, and the Earl of Derby; but during the last Session of Parliament two Acts were passed—one the Lunacy Act, and the other the Vaccination Act—from which the University of London was omitted; and the consequence was, that the graduates, who had passed a more severe test as to their medical knowledge than any that was imposed by either Oxford or Cambride, were rendered liable to heavy penalties simply for doing that which the exercise of their profession required; and in one instance he understood an action had been brought for the recovery of those penalties. Under these circumstances it had been thought desirable that a short Bill should be passed to restore persons who had graduated at the London University to the position in which they had stood for the last twenty years, and in which they would still have remained but for the passing of the two Acts to which he had alluded. He trusted that the noble Lord the Home Secretary would, in the course of next Session, bring in a Bill for the purpose of placing the medical practitioners of the three kingdoms upon an equal footing; but that was no reason for a breach of the understanding which had existed with the London University for the last twenty years, or for the rejection of the present Bill.

Mr. GROGAN said, he thought that the explanation given of the object of the Bill by the noble Lord (Viscount Palmerston) had very much altered the aspect in which this question stood. That object seemed to be to supply an omission occurring in two Acts passed last Session; but he doubted whether the introduction of a short Bill to remove that difficulty would not have been a preferable mode of proceeding.

Mr. MOWBRAY said, he would submit that the question before the House was not one of medical reform, but a question of whether that House was to do an act of simple justice to the University of London, which had been constituted by Royal Charter, and intended by that Charter to have all the privileges that were conferred upon the older Universities in the country, but which, for want of those privileges, had been placed in a position of undeserved inferiority.

MR. MICHELL said, it was rather hard upon the graduates of the University of London that they had, upon the faith of Royal Charters and Acts of Parliament, paid money for degrees which were of no use. The noble Lord the Home Secretary had postponed until next Session any legislation upon the subject of the medical profession, but no Bill would be likely to be so beneficial to the medical profession as that brought in by the hon. Member for Leitrim (Mr. Brady), which the noble Viscount had opposed. He would warn the noble Viscount that, if his Bill should preserve the monopoly of the College of Surgeons and the College of Physicians, they would never satisfy either the profession or the public. There were grave anomalies in the medical profession as at present constituted, and it was requisite that these should be removed for the interest of the public.

MR. BRADY said, this Bill had been the means of eliciting opinions in that House which would give great satisfaction to the medical profession at large. There was no question more worthy the consideration of the House than that of medical reform, for he believed that, under the existing law, society was greatly injured by the anomalies which existed in reference to the medical profession. A man who took a medical degree at the University of London was considered equally competent to practise with any practitioner who obtained his diploma in any other part of the United Kingdom; and he held it would be a great hardship to the graduates of that institution if they were to be shut out from the privileges which the degrees they took there ought to confer upon them. The Bill now before the House was one which would do an immense deal of good, therefore he would have much satisfaction in voting for it going into Committee.

MR. BELL said, he was quite alive to the necessity of a Medical Reform Bill, but the profession was a very united one, so far as opposing and throwing out all measures for the reform of their calling. If he believed this Bill would tend to protract or postpone medical reform, he would never have promoted and taken charge of it; but he fully believed that it rather tended to advance the cause of medical reform, and he hoped the House would not agree to the hon. Member for Kilmarnock's (Mr. Bouverie's) Amendment.

MR. FORBES said, he opposed the Motion on the ground that the Bill, while opening the door to admit one University, would close it against other medical schools, which were just as celebrated as that of the University of London.

MR. CRAUFURD said, there was a strong opposition to the Bill in Scotland, and as one of the few Members for Scotland who supported it he wished to say that he did so because he believed it was a step in the course of medical reform, and despairing of any great measure on the subject, he would accept any advance in that direction, however small.

MR. DUNLOP said, he did not think it was a step towards medical reform to extend the system of allowing the position of medical men to depend upon the diplomas of the Universities.

MR. HADFIELD said, he thought that a pressing case for legislation had been made, but when it was shown that honourable and learned men were liable to penalties unless this Bill should pass, were these gentlemen to wait until the profession could agree upon a Bill of medical reform, when every one admitted that the medical profession was the most quarrelsome body in the kingdom—far more quarrelsome than the lawyers themselves?

MR. HENLEY said, he did not entertain a very confident hope that legislation upon this subject could take place this Session; but he should vote for going into Committee, believing that the discussion would be instructive, and might help the House on the subject of medical reform.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 90; Noes 26: Majority 64.

Main Question put, and *agreed to.*

House in Committee.

Clause 1 (Graduates in Medicine of the University of London to be entitled to practise Physic in the same manner as Graduates of the Universities of Oxford and Cambridge).

MR. MOWBRAY said, he wished to move to insert certain words in the preamble, the object of the alteration being to confer on the University of Durham the same privileges as by the present Bill were conferred upon the University of London. He saw no reason why medical students of

Durham University, which was established by Royal Charter, and which required them to reside some years in the University, and to pass a rigid examination before degrees were conferred on them, should not enjoy the same advantages in this respect as students of the University of London.

Mr. HEADLAM said, he thought the Committee could not but accede to the Motion; the objection to the existing law was, that it created something like a monopoly. No medical school bore a higher character than that of Durham, and it was highly desirable, considering the distance from the metropolis, that medical students in the north of England should have equal privileges conferred on them by going to a University in their own neighbourhood, as by coming to the metropolis.

Mr. ATHERTON said, that the House, by going into Committee upon the Bill, had affirmed the propriety, as long as any difference had existed, of at least attempting to make the state of the law in each portion of the United Kingdom as perfect as possible, and it could hardly be contended that, because London was situated on the banks of the Thames, and Durham upon those of the Wear, that that was sufficient to justify a difference in principle. The Committee had heard that the degrees of medicine were not conferred until after the amplest opportunities of testing the capabilities of the student; and, indeed, it would be a most cruel thing to the community to send among them persons who were destitute of medical qualifications. He thought the Committee would do well to consent to the Amendment of the hon. Member for Durham.

Mr. NAPIER said, he did not object to the Amendment, but he must complain that, if they excluded the University of Dublin from the same privileges, they would be drawing a very invidious distinction; and he thought, considering the excellence of its medical school, it would be very unfair to extend the privileges of the London and Durham Universities, and continue the present restrictions of the practice of medical graduates of the Dublin University to Ireland alone.

Mr. ELLIOT said, the same argument would apply to Scotch Universities. He should vote for the Amendment, on the understanding that he should be at liberty to propose that every person legally qualified to practise in any part of the United Kingdom should be included after the word "London."

The CHAIRMAN intimated that, by the rules of the House, such an Amendment could not be made without notice.

Mr. COWAN said, he had opposed the Bill going into Committee, not from any unfavourable opinion he had of the University of London—quite the contrary—but simply because he thought it unwise to legislate for a single institution alone. Now that the Bill had gone into Committee, he thought it only fair and reasonable that its provisions should be extended so as to embrace all the Universities of Scotland.

Viscount PALMERSTON said, he thought a very good case had been made out for the addition of the University of Durham, but he apprehended that it was not competent for the Committee, at that stage of the Bill, to introduce anything in it with regard to the Scotch Universities or the University of Dublin. He was not in a condition to state to the Committee any deliberate views as to the general subject of medical reform; but he was glad to say, so far as he had been able to consider the matter, it seemed to him that no measure of medical reform would be satisfactory to the country that did not place the medical degrees of England, Ireland, and Scotland upon the same footing, with the view to practising in any part of the United Kingdom. He thought an arrangement might be made, by which similar tests of qualifications might be applied to each of the three parts of the kingdom, and by which a medical or a surgical man, having submitted to those tests, on going to any part of the kingdom, might be furnished with a licence to practise, which licence should be coextensive to every part of the United Kingdom. If that was so, he thought it would not be desirable to deal with that question piecemeal upon a Bill of this sort. He should endeavour to deal with it when he introduced a general measure, but it seemed to him that it would be sufficient upon the present occasion to act upon the instructions already given by the House. They would only incumber and embarrass their proceedings if they were now to discuss the right of medical men qualified in one part of the kingdom to practise in every other part.

Mr. NAPIER said, he would beg to ask what in that case was the object of this Bill?

VISCOUNT PALMERSTON said, that by the accidental operation of an Act passed last year, persons who had taken medical degrees at the University of London were subjected to penalties which it was never intended they should be liable to, and it was therefore proposed to pass this Bill, to replace them in the position in which they had previously stood.

MR. WALPOLE said, nothing more applied to the students of the London University by the measure of last year than applied to them before. He supposed the noble Lord alluded to the interpretation clause of that Act, by which certain persons not qualified by law could not practise, and as long as the law remained what it was, they could not qualify. He thought the anomalies which he had already pointed out would be largely increased by this Bill. It had been said that a monopoly had been enjoyed by Oxford and Cambridge, which was to be taken from them and given to the University of London. He believed that six medical degrees were not conferred by those Universities during the course of the year; but they were going to give privileges to the London and Durham Universities which they denied to Dublin and Scotland. He must say, the more they advanced with this Bill the more he saw the impropriety of proceeding with it, unless those privileges were to be extended to the whole kingdom.

VISCOUNT PALMERSTON said, it was the interpretation clause to which he alluded, and he apprehended that the present Bill was introduced to relieve medical graduates of the University of London from the penalties under that Act.

MR. NAPIER said, the noble Lord was doing more than curing a defect. The noble Lord would put other Universities—Dublin University especially—in an inferior position.

MR. THORNELY said, he was prepared to support any measure of general reform which should give to the University of London similar privileges in respect to medical graduates to those conferred on Oxford and Cambridge; but they ought not to confer them on the University of London without doing away with the anomalies in other parts of the kingdom.

MR. WALPOLE said, he was prepared to put all Universities on the same footing, but not to give privileges to the London University until the anomalous position of other Universities was remedied.

MR. COWAN said, that the object to which the noble Lord had referred was provided for by the second clause, which exempted the licentiates of the London University from the penalties to which they were supposed to be made liable by recent legislation with respect to lunatics and vaccination. He would now move that the Chairman should report progress, in order that, when the House resumed, he might move an instruction to the Committee to include the Scotch Universities in the operation of this measure.

MR. ATHERTON said, he considered it was a matter of good faith that the privileges should be extended to the University of London, and he thought it was not fair that hon. Gentlemen should take advantage of the forms of the House to reagitate the whole question.

LORD NAAS said, he had voted for going into Committee on this Bill under the impression that in Committee the Irish Universities would be included in it. As, however, that could not be done in accordance with the forms of the House, he could not assent to the Bill passing through the Committee in its present form. As it now stood it would enable the graduates of the University of London to practise over the whole of the United Kingdom, while those of the Irish Universities would be confined to Ireland, and those of the Scotch Universities to Scotland. He should, therefore, vote for reporting progress, in order that the Committee might be instructed to include the Scotch and Irish Universities in the Bill.

MR. PIGOTT said, that, by the law, as it now stood, a licentiate of the University of Dublin could practise in Ireland, and a licentiate of the Scotch Universities in Scotland; but the licentiates of the University of London could not practise in England. The object of the present Bill was to abolish this injustice.

MR. BELL said, medical men who had graduated in Scotch and Irish Universities could practise everywhere in those countries respectively, and the object of the present measure was to enable medical students who had graduated at the London University to practise all over England, which they could not do at present.

COLONEL DUNNE said, the Bill would give a most unjust monopoly to the London University. He thought it was one of the most unfair Bills that had been proposed to the House. The Irish medical and surgical practitioners only asked the same privileges as were enjoyed by their brethren in England. He trusted that this Bill would be withdrawn, in order that a general Bill, applying to all parts of the United Kingdom, might be submitted next Session.

MR. GOULBURN said, that what was wanted was some general measure to secure the fitness of medical men. He feared that if, without passing such a measure, they were gradually to extend the permission to practise to the members of one body after another, such a course would very probably lead to a deterioration in the qualifications of the medical profession generally. He did not think it was expedient to extend the coveted privileges to Durham University, which did not furnish the same means of study that were afforded by the Universities of Oxford, Cambridge, and London.

MR. MOWBRAY said, he would suggest that it was possible to limit the operations of this Act to England. That would avoid the objections started by the Irish and Scotch Members with respect to the injustice of giving the graduates of London or Durham the privilege denied to those of the Irish and Scotch Universities, of practising all over the United Kingdom.

MR. VINCENT SCULLY said, that unless they agreed to report progress, they could not, as justice required, extend the operation of the Bill to the Irish and Scotch Universities. No injury was practically inflicted upon Irish medical men by giving the graduates of Oxford and Cambridge the privilege of practising in Ireland, because, as there was no school of medicine in either University, the privilege really amounted to nothing. That, however, was not the case with respect to the University of London, the numerous medical graduates of which would overrun Ireland, without the Irish being able to return the compliment. It was not a bad proof that the Bill was a bad one, that both the Irish and Scotch Members were united in opposing it; for when they hunted in couples there could be little doubt that they were asserting their proper rights and privileges.

MR. HEADLAM said, that the injustice supposed to be inflicted by this Bill upon the graduates of the Irish and Scotch Universities would be avoided by adding to the clause a proviso, "that nothing herein contained shall authorise or empower the graduates of the University of London or Durham to practise in Ireland or Scotland." No one denied that it was just that the graduates of these Universities should, as far as England went, enjoy the same privileges as those of Oxford and Cambridge. That object would be attained by the addition of this proviso, which would not curtail any privileges which the graduates of the London and Durham Universities already enjoyed by other Acts. It was quite clear that if progress was reported, the measure would be altogether defeated.

MR. COWAN said, the more they discussed the matter the more complex it became, and he should therefore press the Motion.

MR. STRUTT said, that the object of this Bill was simply to fulfil a pledge which was given twenty years ago to the Dissenters of England, that the graduates of the London University should be placed on the same footing as those of Oxford and Cambridge. They had been placed in a less advantageous position by the accidental operation of an Act which was passed last year, and under this grievance some 230 graduates, who had passed a far severer examination than was imposed at the older Universities, were now labouring. The question for the Committee was, whether they would now reimpose the stigma and the exclusion which, twenty years ago, that House resolved to abolish? If they were to attempt to insert the Irish and Scotch Universities in the present Bill, it would be defeated for the present Session, at all events, for it was clear that that question could only be dealt with in a general measure.

MR. NAPIER said, that a great many English Dissenters went to the University of Dublin, and took degrees. Why exclude them?

VISCOUNT PALMERSTON said, no one could feel more strongly than he did the importance of putting the medical profession upon a proper footing, that should be consistent not only with the interests of the medical profession, but also with the interests of those who were to be the subjects of those members. He thought the last consideration as fully deserving the attention of the Committee as the former; but he thought that any attempt to make this Bill effect a general reform must inevitably fail, because no one could for a moment suppose that if they were to report progress for the purpose of moving an instruction to the Committee to extend the privileges to the other Universities, that such a Bill would pass into law. It would be going headlong to a conclusion without properly sounding their ground. He quite agreed that a medical degree given in one part of the kingdom ought to give the right to practise in all parts of the kingdom; but then they must establish in all places where they give degrees a uniform test, and that required some consideration. In the meantime he did not see why they should expose the graduates of the University of London to penalties. As to the notion that these graduates would invade Ireland and overrun Scotland, he thought there was sufficient nationality in those countries to protect them.

MR. COGAN said, he hoped that the same course which had been pursued towards most of the other measures of the Session—postponement—would be applied to this measure.

MR. BRADY said, he thought it was quite absurd to suppose that the graduates of London or Durham would "overrun" either Ireland or Scotland. Instead of Englishmen going to Ireland and Scotland, the fact was that Irishmen and Scotchmen came to practise in England.

MR. J. D. FITZGERALD said, that, if it was once established that the London University had a right to the privileges conferred upon its graduates by this Bill, it would be impossible, in a general measure, to refuse to extend similar privileges to the Universities of Ireland and Scotland. He believed, therefore, that the representatives of those countries were not really promoting the interests of their constituents by opposing this Bill. The only real objection to this measure would be perfectly obviated by agreeing to the proviso suggested by the hon. and learned Member for Newcastle (Mr. Headlam).

MR. VINCENT SCULLY said, the proviso which the hon. and learned Member for Newcastle had announced his intention of proposing had removed his objection, and he should now vote against reporting progress.

MR. ELLIOT said, that the Scotch and Irish Members could not gain their object under this Bill, and if the noble Lord (Lord Palmerston) would undertake to bring in a measure next Session, he thought it would be better to allow this Bill to pass.

MR. MICHELL said, there was no school of medicine connected with the University of London. The mistake into which some hon. Members had fallen on this point had arisen from the idea that the school belonging to the University College belonged in fact to the University. Another strange error had also been committed with regard to Cambridge, where it had been stated that there was no school of medicine, although in point of fact there was no better medical school in the world. And the reason was plain. On the one side of the town there was a fen, and on the other a chalk district, so that you got all the diseases there that you would meet with in your life. He had been in the profession twenty-eight years, and he had visited the schools at Vienna, Paris, Dublin, and London, but he had nowhere seen a better educational hospital than that at Cambridge. He felt bound to say this, although the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had not seen fit to rise and contradict the assertion, that there was no school of medicine attached to his University.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 50; Noes 109: Majority 59.

The Amendment to insert after "London" the words "or Durham" was then *agreed to.*

MR. MICHELL moved the insertion of words giving to the graduates the power of practising in London in the same manner as "any Fellow of the College of Physicians of London or." While this monopoly of the College of Physicians with regard to practising in the metropolis existed no good would be done in the work of medical reform.

MR. BELL opposed the Amendment, on the ground that it would open up the whole subject of medical reform in a far larger degree than the question with regard to the Scotch and Irish Universities.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 5; Noes 147: Majority 142.

Clause *agreed to;* as were also the remaining clauses.

MR. WALPOLE said, he understood the noble Lord (Viscount Palmerston) to support a system of uniform education and uniform qualification in reference to the medical profession, and to say, in addition, that this uniform education and uniform qualification should be obtained through the different collegiate institutions of the country, What he (Mr. Walpole) was afraid of was, that if they proceeded in that way they would get neither uniform education nor uniform qualification. The Colleges of Physicians in Dublin, London, and Edinburgh should be put upon a good footing, so that they would be respected through the country, and would be responsible for that uniformity of qualification which would constitute the test to which persons should be subjected before they were allowed to practise in different parts of the country.

The House resumed; Bill *reported*, as amended.

PROPERTY DISPOSAL BILL—ADJOURNED DEBATE—(THIRD NIGHT).

Order read, for resuming Adjourned Debate on Question [24th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. MAGUIRE said, he had been in possession of the House when the adjournment of the discussion upon the measure had last taken place. He should not, however, avail himself of his privilege for the purpose of stating at any length the grounds upon which his opposition to that measure was based, inasmuch as he understood that it was the intention of the hon. and learned Member for Enniskillen (Mr. Whiteside) to withdraw it. He might, however, be permitted to say, that the Bill was one whose principle was in direct antagonism to the feelings and wishes of almost every Roman Catholic in Ireland, and in a declaration signed by nearly 250,000 persons it had been characterised as a mere cloak for sectarian bigotry, and as an insult to the Roman Catholic community. He was exceedingly glad that the shortness of the Session, and the discretion of the hon. and learned Gentleman, had put a stop to any further progress of this Bill.

Mr. WHITESIDE said, he wished to obtain the indulgence of the House while he stated the reasons why it was that he had come to the determination to withdraw the Bill under their notice. It would not, of course, be becoming in him to call into question a rule which had been framed by the House of Commons in its wisdom, and by which the minority were enabled to control the voice of the majority of its Members. He was of opinion, however, that it was due, as well to himself as to the House, that he should state the reasons which had induced him to give up a measure which he had ventured to introduce. He could only say that he gave up that measure from necessity—from the impossibility of being enabled to carry it during the present Session, and not from any belief on his part that the question relating to the disposition of property, as embodied in the Bill, was not one with which Parliament and the country could legitimately deal. What the Bill proposed to effect had already been done in France and in other Roman Catholic countries, and he could not, therefore, justly be held liable to the charge of intolerance because he had endeavoured to place the law of England upon the same footing as that which in those countries prevailed. He had brought forward the Bill in conjunction with a proposition which had been made by an hon. and learned Gentleman opposite (Mr. T. Chambers), but he thought it right to state that he had never had the honour of exchanging a word with that Gentleman until after his Motion had been made. In abandoning the Bill, he should take occasion to protest against the doctrine which was maintained by some hon. Members in that House—that subjects such as that with which the Bill proposed to deal were subjects into which individual Members of Parliament, or even Parliament itself, must not venture to inquire. No institution in this country could escape the ordeal of submitting to investigation if the Legislature should think it expedient that that investigation should take place; and, he should add, that facts fully justified a resort to inquiry, in order that it might be ascertained whether monastic and conventual establishments were institutions in conformity with, or antagonistic to, the interests of England. The reason why he had not pressed his Bill of late was because he had entertained a hope that a case which was pending in the other House of Parliament would have relieved the House from the necessity of deciding upon the principle of his Bill, by rendering it clear whether the law with relation to the civil death of individuals was still the law of England. The case to which he referred had, however, been compromised by the payment of a sum of money, and no judicial opinion upon its merits would, of course, be pronounced. The law relating to monastic institutions was in a most unsatisfactory state, and he was, indeed, but a short-sighted politician who was not aware that the question of placing it upon a sound footing was that which was uppermost in the minds of the people of England, and was a question which required, and which should receive, a speedy solution. In conclusion, he would beg to move for leave to withdraw his Bill.

MR. HADFIELD said, he was glad the hon. and learned Gentleman had consented to withdraw a measure which could only give rise to religious squabbles, and serve to display the intolerant spirit by which hon. Members on the other side of the House were actuated. [*Cries of* "Order!"]

MR. NEWDEGATE rose to order, on the ground that the hon. Member had already spoken on the Bill, and was proceeding to address the House, but was interrupted by

MR. F. SCULLY, who said, he begged to submit to the right hon. Gentleman in the Chair that the hon. Member for North Warwickshire having been himself already heard on the Bill, was not in order in now speaking upon it.

MR. SPEAKER said, that the hon. Member for Sheffield was out of order, because he had previously spoken on the Bill, but he was not aware that the hon. Member for North Warwickshire had spoken on the question.

MR. NEWDEGATE said, that he must regard the objection which hon. Members opposite appeared to entertain to his being heard in the light of a compliment. He could assure those hon. Gentlemen, however, that he should not be deterred by their opposition from giving expression to his sentiments with reference to the subject under their consideration; and that even though he were to consent to be silent with respect to it, the feeling which existed in connection with it throughout the country was such as would give Parliament no rest until the question relating to monastic and conventual establishments was fairly solved, and those institutions were brought within the purview of the law of England. But to return for a moment to the hon. Member for Sheffield (Mr. Hadfield). That hon. Gentleman had ventured to accuse those who sat upon his (Mr. Newdegate's) side of the House of manifesting a spirit of intolerance, but no person, he believed, who had heard the speech which the hon. Gentleman had delivered a few nights before with respect to the *Regium Donum,* could fail to be of opinion that the charge of intolerance came from him with a very bad grace indeed. A more bigoted speech than that of the hon. Member on that occasion—one breathing a more intolerant spirit with reference to members of the Presbyterian religion—he had never heard. He believed, and he hoped the country would perceive, that no course could be adopted more calculated to be fatal to the interests of Protestantism, or to the maintenance of religious freedom, than that which the hon. Member for Sheffield, and those other hon. Members who were equally indiscriminate and unjust in their attacks upon their brother Protestants, upon the ground that they received State endowments, had pursued. Those hon. Members were perpetually assailing the Established Church in this country, which was the great bulwark of Protestant freedom, and they thus rendered themselves nothing more nor less than agents in the hands of those who were the advocates of the supremacy of the Church of Rome. With respect to the Bill under their notice, he wished to make a very few observations. He for one felt deeply indebted to his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) for having brought his great legal ability to bear upon the question with which that Bill proposed to deal. Under the operation of the law as it at present stood in reference to that question, convents were permitted to exist; but, at the same time, the conditions upon which their existence was based—so far as those conditions related to the possession or disposition of property upon the part of their inmates—were by the law totally ignored. The law presumed that a nun was a free agent, quite as unfettered as any unmarried woman at large throughout the country. Now, the hon. and learned Member for Enniskillen had upon a former occasion explained to the House in the fullest manner that the vows which were taken by a nun extended to the question of the disposal, not only of such property as she might possess at the time of her entrance into the convent, but also of all property which might subsequently accrue to her either by gift, by will, or inheritance; that this was a state of things which rendered the position of a nun wholly different from that of any other member of the community, and which made it perfectly clear that the law proceeded upon a false assumption in dealing with the nun as a free agent in the disposal of her property. Now, the Bill of his hon. and learned Friend proposed to deal with the subject as it stood, and to throw upon the superioress and the other inmates of the convent the onus of proving that the nun had not been coerced with respect to the mode in which her property should be disposed of. The Bill of his hon. and learned Friend must, however, he supposed, share the fate of another attempt which had been made during the course of the present Session to deal with the anomalies of the existing law, and must be withdrawn, in deference to that persevering abuse of the forms of the House which had been put into practice by some of its Members. He should warn those hon. Members, however, that their attempt to coerce the voice of the House of Commons upon the subject—that every instance in which the Government had either tacitly or otherwise aided them in making that attempt—would merely serve the purpose of strengthening the determination of the Protestants of England that the hands of the Legislature should be set free, and that the laws of this country should be adapted to the altered relations which notoriously had subsisted between the Roman Catholic body and the State ever since the occurrence of that Papal aggression which the Ecclesiastical Titles Bill had been framed to suppress. He could tell the Roman Catholics that, if they hoped to exempt themselves from the control of the laws by resorting to the practice of coercing the voice of the House of Commons, they would fail in the attempt, for the members of the Church of England would never submit to the renewal of that ancient principle of abuse—the *privilegium clericale.* They were, on the contrary, determined that all religious institutions in this free country should be subject, and equally subject, to the jurisdiction of the law. In conclusion, he had merely to express his thanks to his hon. and learned Friend the Member for Enniskillen for the ability and industry which he had brought to bear upon the subject with which his Bill proposed to deal.

Mr. VINCENT SCULLY said, he never would be a party to originate any religious discussion calculated to wound the feelings of any Members of that House; and, were he to use strong expressions, they would only be directed against one or two individuals who were perpetually treating the Catholic Members with insulting language. He wished the hon. and learned Member for Enniskillen had simply withdrawn the Bill, without observing that he was yielding to a factious opposition. That was not the fact, for the Bill had been allowed to stand over on a former occasion because the hon. and learned Member was absent from the House, being more profitably employed elsewhere. However, he congratulated the hon. and learned Gentleman that on this day, the 12th of July, the hon. and learned Gentleman was doing an act of charity.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

JURORS AND JURIES (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir JOHN YOUNG said, he hoped that the hon. and learned Gentleman opposite (Mr. Whiteside) who had introduced the Bill would consent to its being withdrawn for the present Session. His hon. and learned Friend the Attorney General had taken the subject of the constitution of juries in Ireland into his consideration, and had already almost fully prepared a Bill upon that subject. If the hon. and learned Gentleman opposite would consent to withdraw his Bill, the Attorney General would bring in the measure to which he (Sir J. Young) had just referred at the commencement of next Session.

Mr. WHITESIDE said, that the course which the right hon. Baronet proposed for his adoption was one of an extraordinary—perhaps, with the example of the Government before him, he should rather say of an ordinary—character. The right hon. Baronet and himself had been Members of a Committee which had been appointed to inquire into the prevalence of crime and outrage in Ireland, and before whom a great deal of very valuable testimony had been laid. That Committee had agreed to a Resolution to the effect that they had ascertained from the evidence which had been adduced that the present system of preparing the jury list in Ireland was radically wrong, and that the jurors' book should be made up of a list of all persons rated under the Poor Law valuation at a sum afterwards to be fixed. A second Resolution, to the effect that one and the same jury panel should answer in civil as well as criminal cases, had also been agreed to by the Committee. Now, that being the case, he could not understand why the right hon. Baronet, a Member of the Committee by whom these Resolutions had been framed, should endeavour to impede the progress of a Bill which aimed at the reform of a system which he knew to be radically defective. He could account for the course which the right hon. Baronet deemed it advisable to take only upon the supposition that the Government, having made no attempt themselves to remedy the evils of that system, were determined to obstruct the efforts of those who sought to amend the existing law. If the Attorney General had informed him before he introduced his Bill that it was the intention of the Government to deal with the question of the constitution of juries in Ireland he certainly should not have ventured to meddle with the subject. No such announcement, however, had been made upon the part of Her Majesty's Ministers, nor did he believe that they had at the time the slightest intention of taking the matter into consideration with a view to immediate legislation. Under those circumstances he had endeavoured to frame a measure, against whose provisions he had heard no valid objection urged, but which the right hon. Baronet now asked him to withdraw. In that measure he proposed to make the qualification for a juror dependent—not upon the choice of the sub-sheriff or the sub-sheriff's clerk—but upon the intelligence of the individual himself, and the amount of property which he possessed. The Attorney General for Ireland — of whom he should not speak as approving of the Bill—had told him that in his opinion a man possessed of a freehold to the value of from *20l.* to *50l.* ought to be eligible to serve on a jury; and he (Mr. Whiteside) had proposed that a man who was rated under the Poor Law at *30l.* should be competent to act as a juryman in all cases, whether civil or criminal. Those who at present were selected to act as jurors in criminal cases were of a class inferior to those who served in civil cases, and he had deemed it to be advisable that the qualification should in both instances be the same. Such were some of the principal improvements which the Bill was intended to effect. It was extremely desirable that some alteration in the mode of empannelling juries in Ireland should speedily be made, and he must confess that he did not feel that confidence in the promise which the right hon. Baronet had made which would induce him to entertain any very sanguine expectation that Her Majesty's Ministers would deal immediately and effectively with that subject. He feared that the contemplated measure would be, like so many of its predecessors, an abortion. For his own part he could only say that he had done his duty, and it would rest with Her Majesty's Government to cast aside the Bill upon their own responsibility.

Mr. KEOGH said, his right hon. Friend near him had informed the House that it was the intention of the Government to introduce a Bill next Session for the purpose of amending the law relating to the qualifications of jurors in Ireland. To that intimation upon the part of his right hon. Friend the hon. and learned Gentleman opposite had replied in a tone which—when he considered the quarter from which it came—he felt to be in accordance with the hon. and learned Gentleman's ordinary mode of proceeding. The hon. and learned Gentleman had referred to the Report of the Committee upon crime and outrage in Ireland, and had called the attention of the House to a Resolution which had been adopted by that Committee. The hon. and learned Gentleman had gone further, and had stated that he had framed his Bill in accordance with the terms of that Resolution. Now he (Mr. Keogh), too, had had the honour of sitting upon the Committee in question, and he felt himself compelled to state that the provisions of the hon. and learned Gentleman's Bill were drawn up in direct contradiction to the Resolution of that Committee. That Resolution was to the effect that the names of the jurors should be taken from the rate list as kept under the operation of the Poor Law, and not, as the Bill of the hon. and learned Gentleman proposed, from the list of Parliamentary voters. The hon. and learned Gentleman was well aware that there existed the greatest distinction between the two lists, and that the number upon the Parliamentary voters' list bore only the proportion of one to seven to the number upon the list of rated occupiers. The hon. and learned Gentleman must be also aware that, under the operation of his Bill, any man might disqualify himself from serving upon a jury by not paying his rates within a particular day, and thus disqualifying himself from being placed upon the list of Parliamentary voters. He was perfectly ready to admit that the law required amendment, but he felt persuaded that the Bill of the hon. and learned Gentleman was not one by which that object could be effected. Such was the opinion of the Lord Chief Justice of Ireland, Baron Lefroy, an able and impartial judge, and one who could not be supposed to have any political bias in favour of the present Administration. That learned Judge had, in a letter to his right hon. Friend near him (Sir J. Young), protested, in the most distinct terms, against the enactment of the measure under the notice of the House. The hon. and learned Gentleman had also stated that he had had some communication with the Attorney General for Ireland upon the subject of his Bill, and he (Mr. Keogh) could not understand why his learned friend's name had been introduced, unless it were for the purpose of showing that he entertained opinions favourable to the measure.

Mr. WHITESIDE said, he had not at all meant to lead the House to suppose that the Attorney General for Ireland approved of the Bill.

Mr. KEOGH said, he wished to call the attention of the House to a communication which he had received from his learned friend upon the subject. In that communication his learned friend stated, that in his opinion cases would frequently arise for which there was no clause whatever in the Bill to provide. He also added that there was at the moment at which he wrote a cause pending in the Court of Queen's Bench, which it was supposed the 43rd section of the Bill would meet, but he could only say that that section was a disgrace to our legislation, and could only lead to eternal litigation. On referring to *Hansard,* he found that a similar provision had been strenuously opposed by the Duke of Wellington. But the members of the legal profession in Ireland were not the only persons opposed to the passing of the Bill under their consideration. He had received a communication from the secretary of the Chamber of Commerce in Dublin, conveying a Resolution which had been passed by that body, and which was to the effect that, if the Bill were to pass into law, it would be productive of great public inconvenience. It had also been condemned by the Corporation of the city of Dublin, and by the sheriffs of the counties of Leitrim and Kilkenny. When the hon. and learned Gentleman introduced his Bill, he (Mr. Keogh) had stated that in his opinion no measure could with safety be passed upon the subject with which it proposed to deal until the necessary returns had been obtained from the Poor Law Board. Those returns had not yet been

published, but they were in progress, and would, he hoped, soon be laid upon the table of the House. If the hon. and learned Gentleman should then withdraw his Bill, he would only be acting in conformity with the opinions expressed on the matter to which it related by the Chamber of Commerce of Dublin, by the Corporation of Dublin, and by the Chief Justice of the Court of Queen's Bench in Ireland, by the Lord Chancellor of Ireland, and by the Attorney General for Ireland; and when the Government recommended the adoption of the same course, the hon. and learned Gentleman had no right to charge them with any unfair or factious opposition to this measure, and still less had he any right to say that, although they had stated that it had been their intention to have introduced a Bill upon that subject, they, in reality, had entertained no such intention.

Mr. MAGUIRE said, he must express his decided disapproval of the Bill. It would reduce to a most unreasonable and inconvenient extent the number of persons liable to be placed on the jury lists in Ireland.

Mr. VINCENT SCULLY said, that considering there was not sufficient time to discuss the measure in the present Session, he should move an Amendment to postpone the second reading to that day three months. The whole machinery of drawing juries in Ireland required remodelling, in order to assimilate it to the system that prevailed in this country.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. M'MAHON said, he wished that a measure should be introduced upon the subject, which would extend to the whole of the United Kingdom.

Mr. NAPIER said, he thought his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) was rather hardly dealt with in the matter. On the occasion of the second reading of the Bill, the hon. and learned Gentlemen the Attorney General for England and the Solicitor General for Ireland had expressed their approval of its object and of its main provisions, and yet the Government turned round upon his hon. and learned Friend in the course of the progress of the measure, for the purpose of preventing him from proceeding with it. It appearedt o him (Mr.

Napier) that his hon. and learned Friend ought to be allowed to complete the work which he had so honourably and successfully begun, and that it ought not to be taken out of his hands by the Government.

SIR JOHN YOUNG said, he must beg to state that, on the second reading of the Bill, he told the hon. and learned Gentleman that it was not his intention to support the measure, and since that time he had received several communications from parties, assigning reasons why the Bill should not pass in its present shape.

MR. WHITESIDE said, he had no recollection of any such statements having been made on the second reading as the right hon. Gentleman had just mentioned.

MR. J. D. FITZGERALD said, he thought that sufficient reason for the withdrawal of the Bill was to be found in the fact that the country had not had an opportunity of pronouncing upon it. He thought that this was a question which ought to be left to the Government, and that the public had a right to complain that neither the present nor the late Government had taken any step to carry out the recommendations of the Committee on this subject.

MR. F. SCULLY said, he would suggest that, in any measure to be brought in by Government for the reformation of the jury system in Ireland, its provisions should not be confined to mere *nisi prius* juries, but should be extended to grand juries, the grand jury system in Ireland requiring as much reformation as the other branch.

LORD NAAS said, that the late Government had made considerable progress in the preparation of a Bill to deal with that subject. They could not have brought forward a measure founded on the Report of the Committee which had inquired into the question during the Session in which they had been in office, as that Report had not been produced until the beginning of the month of June, and as the Session had been brought to a close in the beginning of the month of July.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added:* — Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 13, 1854.

MINUTES.] PUBLIC BILLS.—1ª Acknowledgment of Deeds by Married Women; Commons Inclosure (No. 2); Court of Chancery.
2ª Merchant Shipping.
3ª Oxford University; Cruelty to Animals.

THE SLAVE TRADE ON THE COAST OF CIRCASSIA.

THE BISHOP OF OXFORD claimed the indulgence of their Lordships while he put a question to the noble Earl the Secretary for Foreign Affairs, of which he had given him notice, and which was one of great interest to the public. He had to recall to their Lordships' recollection that there had appeared in the public journals within the last few days a series of statements, which would lead their readers to imagine that the first effect of the deliverance of the Circassian coast from the Russian domination had been to revive there, in its worst form, that greatest curse with which the human race had ever been afflicted—the slave trade. A correspondent of one of the morning journals wrote as follows—

> "At present the only trade that may said to be carried on here is that in women, and that seems to be extraordinarily active at present, from the large prices obtainable in Constantinople, and the removal of all obstacles. I have been told from good authority that a girl bought for 15 purses here, is sold in Constantinople for 40. Numbers of little boats arrive all along the coasts from Trebizonde almost every day. They haul themselves up on the beach and spread the sails on the sides of the boat to form tents; here the captain sits, and the natives bring down to him their girls to exchange against his cargo, which generally consists of calicoes, prints, and other stuffs, and of salt. There is no money in the country, so that all the bargains are struck with reference to so many pieces of calico, each piece being called a 'mall;' one 'mall' is worth about 15*s.*, and 25 'malls' make a Turkish 'purse.'"

Another correspondent wrote—

> "I regret to state that the slave trade is greatly on the increase here. Every boat that arrives from the ports of Abasia brings in eight or ten girls or boys destined for the Constantinople market. It is right to add, that when the coast was blockaded by the Russians this traffic necessarily ceased. But now that communications with Trebizonde are free, the rush to dispose of daughters, sons, sisters, &c., is immense. I hope that our Government at home will bear this in mind, and put an end to such ill-practices. I regret, also, to mention that the Austrian steamers do not raise objections to convey the slaves to Constantinople, and every boat takes 80 or 100 down."

Now, he thought it was of great moment

to call their Lordships' attention, and that of Her Majesty's Government, to such a statement as that; because, although happily at present the great and necessary war in which this country was engaged, was highly popular, there was no reason why, if it was of long continuance, it should not share the same fate of all the wars in which England had been ever embarked, and become eventually unpopular; and he was sure their Lordships would agree with him in the opinion, that it would be a great misfortune if the objects for which the war was undertaken were left unaccomplished at its termination. On the other hand, he conceived nothing would tend more to the creation of such an unhappy feeling in the public mind of the country than a belief that the very first effect of the arrival of our arms off the coast had been to revive this abominable evil. He thought, however, it would tend greatly to quiet the minds of many throughout the country if Her Majesty's Government were able to say that their attention, at least, had been given to the subject, and that whatever might have been the first effect of the demolition of the Russian forts, it would be no fault of England. He was sure that the minds of the great mass of the people of this country would be not a little misguided if they were led to believe that the first effect of a war, undertaken in the name of justice and righteousness, and for the protection of the liberties of Europe, was to perpetuate and increase in Turkey the worst evil to which humanity could be exposed.

The Earl of CLARENDON said, he had read the paragraph to which the right rev. Prelate had alluded with sentiments of horror and repugnance similar to those to which he had given utterance, and he certainly was not surprised that his right rev. Friend, with his well-known feelings upon this subject, and with his hereditary claims to advocate the cause of the slave, should have drawn the attention of their Lordships and of Her Majesty's Government to the subject. Their Lordships were well aware of all the features of what he might term the social system of Turkey, and they need not, therefore, be told of the extreme difficulty that existed of inducing a Mahomedan Government to entertain seriously the question of the abolition of this horrible traffic. But he could assure their Lordships that the efforts of Her Majesty's Government, as well as those of

other Governments, had been directed to the subject, and, although Her Majesty's Ambassadors at Constantinople had stated reasons why they feared the abolition of this traffic amounted almost to an impossibility, yet, two or three years ago, Lord Stratford de Redcliffe, acting upon instructions received at the time from Lord Palmerston, did bring the matter formally and seriously before the attention of the Ottoman Secretary of State for Foreign Affairs; but he regretted to say that Lord Stratford did not consider he could afford any reasonable hopes that such interference upon the part of foreign Governments would be successful, because of the habits and customs of the Ottoman people. With regard, however, to any particular information possessed by him on the subject, he was unable to tell his right rev. Friend whether the description he had communicated this evening to their Lordships was correct or not, or whether the statement was well founded that the trade had greatly increased since the withdrawal of Russian troops from the coast, or whether the description merely referred to the ordinary traffic. However, even since his right rev. Friend had given notice of his intention to put his question, he had seen a despatch which had arrived from Admiral Dundas, saying that his attention had been called to the subject, and that consequently most strict orders had been sent to the officers commanding Her Majesty's forces on the coasts of Georgia and Circassia to intercept and prevent by all friendly means the continuance of the traffic; and, what was of more importance, Admiral Dundas said, that having ascertained that Schamyl was unfavourable and hostile to the trade, Her Majesty's officers had received orders to communicate with him and with his deputies, in order to concert together measures for its suppression, and prevent its continuance. That, then, was the first opportunity which Her Majesty's Government had had of directly interfering in reference to the traffic, but he hoped he need not assure their Lordships that no effort would be wanting on their part to effect its entire suppression as soon as possible.

COUNT PAHLEN—RUSSIAN SUBJECTS IN LONDON.

Earl GRANVILLE said: My Lords, I trust I may claim your indulgence while I make a very short statement on a subject personal to myself, arising out of a charge to which—from the place in which it was made—it would be irregular for me to refer more particularly. I have been accused, and it has been imputed to me as a grave offence, of having introduced into English society, and presented to an English club, a Russian subject—the subject of a country with which we are at present at war. Count Pahlen, my Lords, a Russian subject, is at this moment in this country. I believe he is well known to several of your Lordships; his high character, his accomplishments, and his partiality for this country, are also well known. He has come here, not from Russia, not from any part of the Continent, but from Madeira, where he has been spending the winter for the advantage of the climate. I believe he has never been employed in any capacity by his Government; but he has spent the greater part of his life in travelling in various parts of the world, and this country he has visited repeatedly. His object in coming here at this time is to settle some small pecuniary matters, but principally to take leave of those intimate friends whom he has here, before that, which at his age, and under present circumstances, may be a final separation from them. As to the charge of introducing Count Pahlen into English society, I think I need only say, that at the time of my birth he was an intimate friend of my father, of the Duke of Wellington, of Earl Grey, and of a great many of the most distinguished men in this country. Since the earliest time that I can remember I have received kindness from that gentleman, and I have always seen him treated with the greatest respect by those on whose judgment I have been taught most to rely. On his arrival here I invited him to my house, and I signed, as I have frequently done before, the printed form of recommendation, on the receipt of which it is usual for the Committee of the Travellers' Club to invite strangers as visitors to the club. That my conduct has not been distasteful to that society, I infer from the fact that in the space of one short ride along Pall Mall yesterday not less than twenty members of the club stopped me to express their indignation at the complaint which had been made. I have stated thus much to show the character of Count Pahlen's visit here, and that, from the somewhat exceptional position which he holds, he has strong claims to courtesy and civility from the members of English society with whom he has been so long in honourable relation; but I may, perhaps, be allowed to say a few words upon the more genera question. I entirely deny that it is not justifiable on the part of an Englishman to treat with civility and kindness the subject of a foreign Power, even when we are at war with that Power. The cases to the contrary are numerous on both sides, even during the late war, when the struggle was so intense, and when so many new restrictions were imposed on international intercourse. The law of nations in times of war was originally barbarous and unchristian in the highest degree; but, as civilisation advanced, mitigations have taken place from time to time in the severity of that code. The office which I lately had the honour to hold gave me the opportunity of taking a humble part in the modification of our own practice in time of war. Those modifications have received the almost unanimous approval of this country and the sanction of public opinion all over the world. My Lords, it must be the interest of all civilised nations to mitigate, as far as possible, the evils of war; but, if it is the interest of any country, it is especially the interest of this country, which has connections and subjects all over the world, and even at this very moment in Russia itself. The only limit I know to such mitigation is, that we should not diminish our own power of carrying on the war with vigour, and therefore of bringing it to a speedy conclusion; but I ask your Lordships, whether civility to an individual stranger in this country, where everything is as open as noonday, can in the slightest degree weaken our means of attack or strengthen our enemy's means of defence? For my own part it appears to me that, if a perfectly faithful statement were taken to the Emperor of Russia of the material state of this country at the present moment, and of the feelings which animate every class of society with which at least I am in the slightest degree acquainted, such an account would not lead that Monarch to take a more favourable view of the probable issue of the war than he does at present. But, my Lords, as I have been accused of acting, not only in an unbecoming, but also in an illegal manner, it is some consolation to me to be able to say, that I have the sanction of the highest authority living in international law for every proposition which I have taken the liberty of laying before your Lordships. As a mere individual Member of your Lordships' House, I might, perhaps, have thought it impertinent—if I may use such a word—to trouble your Lordships with any observations arising out of this subject; but, looking to the official position which I hold, and to the effect which any misrepresentation might have on our national relations, I thought it right to trouble your Lordships with this short statement; and I hope I sit down cleared, in your Lordships' opinion, of having acted improperly or unbecomingly, either as a servant of Her Majesty or an individual Member of your Lordships' House.

THE EARL OF MALMESBURY: My Lords, although I think that my noble Friend has somewhat exaggerated—has stated more strongly than he need—the remarks which appear to have been made against him upon this subject, I am very glad that he has brought it before your Lordships, that the country may see that on both sides of the House there is no sympathy with the remarks which have been made, offensive to the noble Earl, and offensive to a high and honourable gentleman, who has for a few days enjoyed the hospitality of this country. I can only say that for my own part I regretted to see those observations made both in a public journal and in another place. I have had the honour of knowing Count Pahlen for many years. He is, perhaps, more interested in, and has a greater partiality for, this country, than any other foreigner whom I ever knew. I know that the whole occupations of his life, his private tastes, and his love of travelling, remove him entirely from diplomatic or political questions, in which he takes only that interest which every intelligent person must take in the questions which are being discussed at the present moment; and I cannot conceive how any exaggeration could have seen, in his presence, any danger to the interests of this country. Your Lordships know that I am personally an eager advocate for the vigorous prosecution of this war, which I consider both just and necessary; but your Lordships will do me the justice to say, that in this House I have never used language which may be construed, even by those partial to the Russian Government, as implying abuse either of Russian statesmen and diplomatists, of the manner of their performing their duties, or of the Russian nation itself. I have heard the word "barbarous" used in this House as applying to Russia, and I should be anxious that all foreigners should think that when we use that adjective it is applied not to the persons of the Russians as being Russians, but to their mode of Government as compared with ours. We all know that there are many Russian gentlemen of most accomplished and polished manners and understandings. The gentleman who has been alluded to is one, and we have seen others in this country who are models of the intelligence and the high feeling—who are too well known to your Lordships to make any language necessary to prove how unjustly the word "barbarous" can be applied to them, or indiscriminately to the country and people they represent. That the Russians are not barbarous has been proved by the conduct of their generals. I know nothing more touching, and have read nothing in history more gratifying to our feelings of chivalry and Christianity, than the behaviour of the Governor of Odessa, General Osten Sacken, and his most amiable wife. I believe your Lordships know how the General himself behaved towards the prisoners, and how his lady behaved to their wounded officers and the poor boy who had fallen into the power of the Russians. I am glad to have said what I have done, because, although no one can more strongly feel anxiety for the carrying on of this war with the whole force and vigour of this country, though no words that I can use can express my desire that Her Majesty's Government should continue it, yet I should be sorry that in an Assembly which I may call the highest, and which, I believe, is certainly the oldest Legislative Assembly in the world, language should be used which should cause misapprehension on this subject, or that our feelings upon the point to which my noble Friend has called the attention of your Lordships should be misunderstood and misconstrued.

VISCOUNT STRANGFORD said, that he could boast of forty-two years' intimacy with Count Pahlen, and considered the friendship of such a man a legitimate subject of congratulation.

THE MARQUESS OF LANSDOWNE: It is scarcely necessary for me to occupy your Lordships' time in rising to bear my cheerful testimony to the worth and merit of that distinguished gentleman, whose friendship noble Lords on both sides of the House seem mutually desirous to acknowledge and to boast of. I can only say, that I myself have personally had the advantage of knowing Count Pahlen for the last thirty years, and a man more distinguished in society I do not know, or one who has made himself more respected and esteemed in every way. Under all circumstances and at all times during the period I have had the pleasure of knowing him, I can truly say that all my experience of his character and conduct leads me to speak in the highest terms of both; he is a gentleman who, from the habits and tendencies of his mind, has kept himself peculiarly free from political occupations. He is really a citizen of the world, and as one of those many foreign and distinguished men who have a taste for the society of our countrymen, I believe him entitled to our high consideration and esteem. I am one of those, my Lords, who think that in a time of war, equally as in a time of peace, there should be men who form as it were the connecting links of society, and who exert the vigour of their minds, the purity of their intentions, and the greatness of their genius, in unison with the intelligence of the great and learned men of all other countries, as well as their own, to combine, and, as opportunities occur, to diffuse the blessings of civilisation to the different nations of the world, and this in the face of, and independently of war.

Lord BROUGHAM said, that the highly respectable gentleman to whom reference had been made needed no testimony from him, after what had fallen from noble Lords on both sides of the House. With all that had been said in praise of Count Pahlen he most heartily concurred. He rose principally for the purpose of declaring how entirely he concurred with his noble Friend (the Marquess of Lansdowne), that it was a most excellent thing that we should, as far as it was possible, mitigate the inevitable horrors of war by not imposing more restraints upon private and personal intercourse than the necessities of war rendered imperative. It was a great mistake to suppose that such intercourse of a few individuals was in any way a modern invention. Until the Emperor Napoleon, then First Consul of France, took the step which he did in 1803, that intercourse was most usual during the whole course of a war of extraordinary violence and excitement between the parties; and even after the breaking out of hostilities in 1803 there were numerous, though not so frequent, instances of Frenchmen being allowed to remain in this country, and of Englishmen remaining in France, with the proper passports, and under the proper restraints and superintendence, but still being allowed freely to inhabit the two countries. He had himself known many instances of this. It was not even in modern times, and in the more mitigated form of war alone, that this had prevailed. It was known to their Lordships that, even in the dark ages, there were great exceptions as regarded individuals to the rule which excluded the intercourse of people in time of war. He had only to remind their Lordships of a distich, which, though not very classical, expressed a much more amicable feeling than classical times frequently exhibited:—

"Clericus, agricola, mercator tempore guerræ
Movetque, colat, commutet, pace fruantur."

This showed that we acted for our own interest in thus mitigating the severities of a state of war; and he thought it would be equally to our interest to extend still further that mitigation.

The Earl of CARLISLE: I have had the pleasure of knowing Count Pahlen for many years, and of meeting him in many countries and under various circumstances, and I am enabled to say that I never met a man who, while having due regard to the interest of, and attachment and affection for his own country, became entitled so much to the respect of every other country that he visited. I have the greatest pleasure in bearing my testimony, as a sincere friend, to his goodness and worth.

Lord CAMPBELL rejoiced that his noble Friend (Earl Granville) had been induced to say what he had upon this subject, and thought that his noble Friend had not had due credit for the exertions which he had used to effect the improvement that was required in the law of nations. There was no doubt that the laws of this country said, that a contract with an enemy was an unlawful contract; but no one ever could suppose that such an enactment was intended to apply so as to forbid the indulgence of the ordinary civilities of private life with the subject of a foreign country with which we might be at war, and that the encouragement of such civilities could in any way be construed as treason, misprision of treason, felony, or misdemeanor. He considered that the noble Earl had been very improperly assailed on this subject, and he thought too much praise could not be bestowed upon aim for his exertions in mitigating the restrictive laws of warfare. We talked much about law reform; now this branch of the law had received an unspeakable improvement since hostilities began; because, preserving our right of blockade, preserving our right of preventing contraband of war being imported into an enemy's country, we had given a great accession to our strength as well as to the commerce of the world, by saying that free bottoms should make free goods.

THE EARL of ELLESMERE said, that his imagination could suggest to him only two grounds on which any person could entertain apprehensions concerning the presence of this distinguished foreigner in our country. One was that he was employed as a diplomatic agent to the Government. That imputation Her Majesty's Government had fully answered, and he was sure that the experience of the noble Lords on the opposite side who had spoken would show them how unlikely it was that Count Pahlen should be here in such a capacity. The next imputation would be more offensive—namely, that he was here as a spy. An intimacy of thirty-four years' standing would prevent his (the Earl of Ellesmere's) believing for a moment that such an employment was consistent with the high character of that gentleman; but assuming that he was employed in that capacity, he said that it would be the interest of this country and the duty of their Lordships to retain him in this country altogether rather than to dismiss him, to give him access to all the clubs, and to all the information that society could afford him; for what lesson would he carry back to his own country? We were told the other day with perfect truth and justice, in a speech delivered by a very distinguished servant of the Crown, upon a public occasion, that much of the misfortunes of this unhappy contest originated in the ignorance of the Sovereigns of the Continent. He believed that to be the root of the matter. What, then, would be the report of an intelligent Russian as the result of a mission to this country? Is there anything which we should seek to conceal from his knowledge? Would he not tell his Sovereign that the people of this country are rallying round its standard with a unanimity which could never have been anticipated by those who do not understand our institutions and our habits? Would he not tell him that an alliance, which he doubtless thought would never come to pass, now appeared to promise immutability, if that term might be applied to any human institutions? And if this were so, would not the lesson he had learnt as to what he had seen and what he had heard be such as we could allow him safely to carry home to his Sovereign? These were the lessons which even a three weeks' residence in this country would enable Count Pahlen to carry back to his Sovereign, and he should very much regret the withholding of such lessons from the Sovereign of Russia.

THE EARL OF ABERDEEN: My Lords, after what has passed and the observations which have been made from all parts of the House relative to Count Pahlen—and in which, as far as they personally affect that gentleman, I cordially join—it will scarcely be necessary for me to assure your Lordships that Count Pahlen has not arrived in this country on a secret mission to me—a notion which has been, I hope, not seriously entertained, but at any rate put forth and asserted by those who oppose the proceedings of Her Majesty's Government generally, and mine in particular. ["Name!"] The authority I refer to is that of a newspaper which it is very well known is the organ of the noble Lords opposite. ["No, no!"] Well, then, in connection with the name of this Russian gentleman, and to show the truth of such authoritative statement, I beg to assure your Lordships that, although for the last forty years I have been a more intimate friend of Count Pahlen than I have been of his Sovereign, yet, notwithstanding this friendship, until I was made aware of the attack which has been made upon my noble Friend (Earl Granville), I had not even heard that Count Pahlen was in this country.

MERCHANT SHIPPING BILL.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY moved the second reading of this Bill, the provision of which he stated, and said that, in asking their Lordships' assent to the second reading of this measure, he would remind them that within the last few years most important alterations had been made in the laws regarding merchant shipping. He was sure that their Lordships would feel pleasure in being informed that these alterations had been attended with the greatest benefits, and that the measure of last year had relieved the merchant shipping of this country of about 100,000*l.* of dues. There was a balance of 70,000*l.* remaining in the marine department of the Board of Trade, and there was a sum of 50,000*l.* expected to be added to that amount in the course of the present year, which would enable the Government to make further reductions. By the Bill recently passed for opening the whole of the coasting trade to the shipping of all countries further advantages had been gained. And their Lordships, he was sure, would agree with him in the opinion that the mercantile marine of this country had never shown greater activity and greater energy than at the present moment, or a greater desire to construct vessels of the highest class and on the most scientific principles of naval architecture. Above all, their Lordships would feel still greater satisfaction at the fact that there never was a period when the remuneration of those who were spending their capital and energies in those works was so great as at present.

Moved, That the Bill be now read 2^a.

LORD CAMPBELL concurred in the general objects of this Bill, which he thought would be attended with beneficial results. With regard to the liability of shipowners in case of accidents, he was in favour of limitation to the value of the ship, but would reserve his consideration of the mode proposed till they got into Committee. There were nearly 600 clauses in the Bill, which would require very careful consideration on the part of their Lordships.

LORD COLCHESTER was highly favourable to the principle of consolidating the laws affecting our mercantile marine, and was glad that the whole subject had been brought before them in this Bill. It dealt with no fewer than eleven different branches connected with shipping, and there could be no doubt of the benefit that would be derived from having all these matters brought under one Act of Parliament. There were one or two points on which he thought amendments might be made, and these he would submit to their Lordships when the Bill went into Committee. He thought this measure would be of the greatest possible benefit to all connected with our mercantile marine.

On Question, *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the whole House.

NEW FOREST BILL.

Order of the Day for the House to be put into Committee read.

Moved, That the House do now resolve itself into Committee.

THE EARL OF MALMESBURY said, he desired to call their Lordships' attention to the present state of the forest. Notwithstanding all the legislation that had taken place upon this subject within the last five years, he was sorry to say that the state of feeling in the forest was worse than he ever remembered it to have been before. It had been supposed that the destruction of the deer would tend to improve the morals of the people; but so far from that having this result, it appeared to have had a contrary effect, for there had been no fewer than twenty-one incendiary fires in various parts of the New Forest between February and May last. This would give their Lordships an idea of the state of feeling which existed. The fact was that the laxity which had prevailed for a great number of years—he might say for upwards of a century—with respect to the rights of the commoners and of the Crown, had been followed by a sudden and severe reaction, and the consequence of this reaction had been that a vast number of those people had been stopped from exercising rights which for many years before they had been allowed to exercise without any molestation. Their Lordships would see that at this moment, when coals were 25*s.* per ton, turf was extremely valuable, and the right of cutting it was a matter of considerable importance, not merely to rich proprietors and their tenants, but also, and more particularly, to the poor. If his noble Friend opposite would consent to introduce a clause, preserving the right of turbary to those who had enjoyed it before the year 1800, it would let in a great number of persons who were now excluded, and would be received as a very valuable boon. He was particularly anxious, also, that in a country remarkable for its beauty no useless destruction of timber should take place; and he wished to call the attention of the noble Earl at the head of Her Majesty's Government to the fact—which a noble Friend of his upon the cross-benches (the Duke of Buccleuch) would corroborate—that within the last two or three years some magnificent trees had been cut down, which were perfectly valueless, either for sale or ship-building, and could only have been felled through carelessness; and to express a hope that such orders would be issued as that a repetition of this might be prevented.

THE DUKE OF BUCCLEUCH could assure their Lordships that in one particular instance a clump of trees had been cut down, which was not only an ornament, but a landmark in that country. Every single tree had been swept away, and a remarkable feature of the country, to which the inhabitants were very much attached, entirely destroyed. These trees were wholly valueless for ship-building; and having had considerable experience in the management both of old and young timber, he would venture to say, as an additional reason why these trees should have been left standing, that it was very important to the growth of young timber that a sufficient quantity of old timber should be left for shelter, and to check the violence of the wind.

THE EARL OF ABERDEEN said, this was the first he had heard upon the subject referred to by the noble Earl opposite, and by his noble Friend upon the cross-benches (the Duke of Buccleuch). He did not know at what time this destruction had taken place, but, whenever it was, he should regard such proceedings as had been described as amounting to wanton destruction instead of being a proper administration of the forest affairs. It never could be the object of the Government, or anybody having the management of the forest, to sanction a proceeding of that kind; and he could only assure the noble Earl that although his noble and learned Friend behind him (Lord Lyndhurst) considered him a "rock" and a "stone" in public matters, with respect to this question of old timber he had a very tender heart indeed.

LORD STANLEY OF ALDERLEY was understood to consent to the introduction of a clause preserving the right of turbary to the houses which had enjoyed it before 1800, limiting the right, however, to cutting for use, and not for sale, and at the same time providing for the protection of the herbage.

On Question, *agreed to;* House in Committee accordingly; Amendments made; the Report thereof to be received to-morrow.

OXFORD UNIVERSITY BILL.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

THE EARL OF CARLISLE said, in the discussion which had taken place on Tuesday on the report upon this Bill, it had been stated, and he believed more than once, that he had expressed a wish that the new private halls should be "retreats" for Dissenters. Now, he was not prepared to say that his words had been incorrectly quoted, but he did mean to say that his meaning had been inaccurately conveyed. His wish was—in accordance with the clauses introduced by the House of Commons, and happily adopted by their Lordships—that Dissenters should be admitted to the advantages of a University education; and his next wish was, that they should be infused into the general body of college students, among whom, both as regarded their general conduct and their religious feelings and habits, he did not anticipate they would appear to any disadvantage. That was what he thought would be a preferable course—that they should be infused into the general body, and admitted into the present colleges and halls. But he understood that it had been intimated by the noble Earl the Chancellor of the University that he thought it probable that the authorities of the present colleges and halls might impose conditions on the Dissenters who might be admitted which would be incompatible with their religious convictions—for instance, the compulsory attendance on divine worship, although he admitted that it would not necessarily be so. Now, he conceived that, in the new private halls, the same rigid adherence to existing rules and to existing customs and observances might not be so strictly exacted; and in that case, but in that case only, he expressed a wish that these halls should serve as retreats—he would not shrink from the word—that they should serve as retreats as well for Dissenters themselves as for that liberty of conscience which had been thus far given to them.

On Question, *agreed to;* Bill read 3ª accordingly, with the Amendments; further Amendments made; Bill *passed,* and sent to the Commons.

LAW OF LANDLORD AND TENANT (IRELAND) BILL, AND LEASING POWERS (IRELAND) BILL.

THE EARL OF MALMESBURY: My Lords, the day before yesterday I gave notice that to-day I would call the attention of the Government to two Bills which were sent up from this House to the House of Commons on the 26th of May last. I mean the Landlord and Tenant (Ireland) Bill, and the Leasing Powers (Ireland) Bill. In order to make myself clearly understood it will be necessary to go back to what took place on this subject last year. Your Lordships will recollect that when my noble Friend (the Earl of Derby) was at the head of the last Administration he caused three Bills to be framed on this subject, which were intended, if possible, to quiet the agitation which had taken place in Ireland with regard to tenant-right; but before he could bring these Bills before Parliament in such a shape that they could be discussed, a change of Government took place. Subsequently, as your Lordships are aware, these Bills were referred to a Select Committee of the House of Commons, who altered them into various shapes. The first two Bills, namely, the Landlord and Tenant Bill and the Leasing Powers Bill, although changed from the form in which they were framed by the Earl of Derby's Attorney General for Ireland, still retained so much of the spirit which he intended should be infused into them that when they were again brought forward in their altered shape by the present Government, the Members of the late Government thought it right to continue to support them, and voted that your Lordships should go into Committee on them. With regard to the third Bill, the Tenants' Compensation Improvement Bill, which the noble Duke opposite (the Duke of Newcastle) endeavoured to include with the others for our adoption, the alteration effected was so great that we refused to have anything to do with it. Mr. Napier, on reading it in its altered shape, said to me that he could not accept the paternity of it; and in this House I myself stated to the noble Duke, in the name of the late Cabinet, that I repudiated it. On that occasion the noble Duke seemed to be impressed with the opinion that it was of the utmost importance that for the purpose of appeasing agitation in Ireland this question should be settled, and the Bill pass your Lordships' House; but I cannot help thinking that since that time the noble Duke must have adopted the opinions which his Colleagues expressed at that period—namely, that as only eight or nine days of the Session remained, and there would not be time to refer the Bill to a Select Committee, it would be advisable to postpone legislation until the present Session. The noble Earl at the head of the Government said that such was the course he should take, and it was approved of by the Opposition, the understanding on both sides of the House being that the Bills were to rest during the recess, and that they should be reintroduced as soon as possible in the present Session, and first in your Lordships' House. In the present Session the Government lost no time in bringing forward three Bills, which were I believe the identical Bills of the previous Session. These Bills were presented, as we understood them, as Government Bills, and I think it would be hardly worthy an English Government to say they were not Government Bills. They were endorsed with the name of the noble Duke opposite (the Duke of Newcastle), were referred to a Select Committee upstairs, and some of the most distinguished Members of your Lordships' House served upon it. But besides the Government Bills to which the name of the noble Duke was attached, there was an analogous Bill brought in by the Earl of Donoughmore, and another by the Marquess of Clanricarde. We considered these Bills in the Select Committee, and had the advantage of the presidence of the Lord Privy Seal (the Duke of Argyll), who represented the Government on that Committee. I never knew a Committee work harder, with more good humour, or with a more sincere desire to frame in their Report such an arrangement of legislation as should meet the approval of all parties. We were mainly assisted by the efforts of the noble Duke opposite (the Duke of Argyll), and we looked on him as the agent and representative of the Government. We appealed to him, as we should have appealed in this House to any Member of the Government sitting on the opposite bench, and we received all his communications with the weight that attached to them as coming from a Cabinet Minister. Your Lordships agreed in the Report presented by the Committee to your Lordships, which was to the effect that the Landlord and Tenant Bill and the Leasing Powers Bill should be recommended to Parliament for legislation; whilst the Tenants' Compensation Bill was rejected by the Committee as not being an advisable measure to be passed. When the Lord Privy Seal moved that the Report of that Committee be received, he said that, "The Committee having approved of a Bill which dealt with the question of buildings, it was not thought desirable by the Committee to have a separate Bill on the subject of roads and fences." And it was understood in the Committee that the noble Duke, both as his own private opinion, and as representing the opinions of the Cabinet, did not think it necessary to press on the Committee or upon the House the passing of the Compensation Bill. It was clearly thought to be his opinion that the first two Bills should be passed, and the third be dismissed. Your Lordships then came to the third reading of these Bills on the

27th May, when the noble Duke the Secretary at War (the Duke of Newcastle) used expressions which showed that the Government adopted the Bills as their own. The noble Duke distinctly stated that the Government were prepared to accept the responsibility of the Bills in their present form as if they had been introduced by the Government. Such, my Lords, was the language used by two noble Dukes—language which I think does them credit for wisdom and proper feeling, showing as it does that they were conscious of the dignity which should attach to the Government in such a matter. The impression left on my mind by the communications of the Lord Privy Seal was, that the Government would do their utmost to carry these Bills through the other House of Parliament. It was also my impression that these Bills would receive the support of a great many Members sitting on the Opposition side of the House; that if any obstruction were made by a certain part of the Irish Members, who were sure to obstruct the Bills if possible, that obstruction would be met in a manly manner by the Government; and that measures which it had taken your Lordships two months to examine would be passed into a law. This delusion, my Lords, was suddenly dispelled the other day by a statement which has been made to the House of Commons, not by a Cabinet Minister, but by the Secretary for Ireland, the pith of which is that the Government had abandoned these important Bills. The language of Sir J. Young, in stating the reasons why the Government have so acted, was very different from that which has been held by the two noble Dukes. He said that—

> "If these were Government Bills, he did not scruple for one moment to say that they would not have been proposed at that period of the Session for the consideration of the House. He was bound in candour to say that he did not think any Bill of this kind would be satisfactory without a Compensation Bill; but the Compensation Bill had been rejected, and therefore the measures which he had supported were not before the House, and how, then, could it be said that he was responsible for them? He believed the Bills were good, as far as they went; but the question was, were they to have legislation upon a part of the subject only, and would that course be satisfactory?"

On that ground, my Lords, Sir J. Young seems to have withdrawn the Bills on behalf of the Government. Your Lordships will observe, in the first place, that he repudiates them as Government Bills, although the noble Duke opposite (the Duke of Newcastle), in the strongest way, acknowledged them to be Government Bills, and accepted the responsibility of them; and when the right hon. Baronet spoke of the Tenants' Compensation Bill as indispensable, he was utterly at variance with the noble Duke, who did not at all deem it a *sine quâ non*. It must have struck your Lordships that when the noble Duke was asked how this had happened, he was ignorant that it had happened, or that it was likely to happen. My Lords, I do not accuse the noble Dukes of having dealt unfairly by your Lordships if they were ignorant of what was going to occur. But I have a right to say that the Government has acted as Governments seldom have acted, and as I hope no Government will ever act again. Their conduct displays an extraordinary degree of insubordination on the part of certain inferior Members of the Government, who give up Bills for which two Cabinet Ministers—the two noble Dukes opposite—made the Government responsible. What are we to suppose, my Lords, is the cause of such conduct? It does not appear that in the other House any Cabinet Minister endeavoured to explain it. The whole thing has been done by a subordinate Member of the Government, the Chief Secretary for Ireland, who declares that he abandons the Bills because the Tenants' Compensation Bill is a *sine quâ non*. Sir John Young said, that if they had been Government Bills they would have been brought forward at an earlier period of the Session: but they had been brought forward by the Government as early as possible: the Committee sat upon them one week only after the Easter recess, the Tenant Right Bill passed on the 26th of May; now it is the 13th of July, and it was only on the 10th that the matter was mentioned in the House of Commons. What then did Sir J. Young mean by his statement as to want of time? What had been done during the six weeks which had elapsed between the 26th of May and the 10th of July. It appears plainly that the proceeding taken by Sir J. Young has nothing to do with any delay of the measures in this House, and that it was not sanctioned by any Cabinet Minister in this or the other House of Parliament. It is, therefore, with considerable astonishment that I ask the Government if the Bills are abandoned at a period when we have more time to consider them than we had on a former occasion, when the

Bills were first brought in in the other House, and after they have been thoroughly sifted by a Committee of your Lordships? I ask the Government whether it is true that these Bills are abandoned?—and, if so, why have they been abandoned? and then, thirdly, I ask, how is it that the Chief Secretary for Ireland has taken upon himself to state to the other House that these Bills were abandoned for the reasons which he mentioned, when the noble Dukes opposite—Cabinet Ministers—were not aware either of the fact of the abandonment, or of such statements having been made or being about to be made?

THE DUKE OF NEWCASTLE could not help thinking, although the noble Earl was exceedingly ingenious in discovering any ground for throwing censure on Her Majesty's Government, that on the present occasion he had signally failed in making out a case with reference to these Bills. Before he took any notice of what the noble Earl had said as to these Bills, he must refer to the first part of his statement as to what had occurred last year—and he referred to it with great unwillingness, because personal differences and disputes as to facts had taken place on that occasion, which, if the noble Earl had permitted, he should have wished to remain buried in oblivion. But the noble Earl having referred to those facts, he felt bound, in justice to himself, to say he had misrepresented what took place last year between him and a gentleman who did not occupy a seat in that House. The noble Earl said that these Bills were moved by him, and pressed by him last year in a manner which warranted him in drawing a distinction between the course he took, and the course taken by the noble Earl at the head of the Government, in that discussion. He would state shortly what took place. These Bills were brought in by Mr. Napier, as the organ of Lord Derby's Government, in the course of the short Session at the end of 1852, and were referred to a Select Committee of the other House, upon which Members of all parties sat and devoted much attention to the subject during the whole of that Session. When these Bills had passed through Committee, and were nearly on the point of coming up to this House, it was asked by Gentlemen connected with Ireland, who was likely to take the Bills up, as they were not Bills belonging to this Government, but to the preceding Government, which Members of this Government had done their best to put in a shape to enable the Legislature to pass. Some conversation took place, and eventually, in consequence of his having devoted great attention to the subject when he was Secretary for Ireland in 1846, and having brought in two measures himself, he was asked whether, if no one else would take them up, he would. He replied that if it were wished, he was willing to do so; and shortly after Mr. Napier sent for him to come to the bar of their Lordships' House, and told him how glad he was that he had consented to take charge of the Bills; and he told him also, in most distinct terms, that although the Session was late, there would be no difficulty in passing them; that Lord Clanricarde and one or two other Peers connected with Ireland were opposed to their passing, but that the noble Earl at the head of the late Government, and the late Lord Lieutenant for Ireland, and one or two others who had not held office, but whom he named, would give their utmost support and assistance. What he stated last year, and he repeated now, was the assurance he received from Mr. Napier. And further, when the noble Earl opposite referred to a letter of Mr. Napier's—

THE EARL OF MALMESBURY denied that he had referred to any letter.

THE DUKE OF NEWCASTLE appealed to their Lordships whether the noble Earl had not distinctly referred to a letter of last year, in which Mr. Napier said the three Bills were so completely altered?

THE EARL OF MALMESBURY said, he had referred to what Mr. Napier said in the House of Commons.

THE DUKE OF NEWCASTLE repeated, that the noble Earl had distinctly referred to a letter from Mr. Napier; and, as he had done so, he also referred to a letter, if not of the same date, one which he received about the same time, and in which Mr. Napier did not make any such statement, but requested him to take charge of all these Bills, and led him to expect that the noble Earl opposite, and those who acted with him, would, if they did not agree to every clause, at least give every facility to passing them. He had been placed in a most unfair position, for when he brought forward the Bills under that assurance, he found that a most active whip was used to bring up noble Lords even from the Isle of Wight and other places by the Opposition, for the purpose of throwing out the Bills after the declaration of their own officer to him that they would support the Government in passing them. When it was seen that the Bills would be disputed clause by clause, then, undoubtedly, the noble Earl at the head of the Government, not acting at variance with the course he had taken, but in entire accordance with his views, and after consulting various Members of the Government, agreed that the circumstances were so completely altered that it would be right to withdraw the Bills, and proposed that they should be introduced in the next Session. Those were the facts connected with the Bills of last year; and he would willingly have said not one word on that subject had the noble Earl not chosen to revive the discussion—a discussion which was extremely painful to him, though he was prepared there and elsewhere to maintain that he had not overstated one single fact of the part he took in these transactions. In fulfilment of the pledge which was given at the commencement of the Session, he brought in the three Bills *in statu quo* as they had been postponed the last year. The noble Earl said they were brought in and recognised as Government Bills. He wished to prevent misapprehension, not to raise any quibble, for he was ready to defend every act of the Government; and must therefore say the noble Earl had misrepresented what took place on that occasion. He stated broadly that the Bills were brought in in fulfilment of the pledge which had been given in the last Session, and that if they had been brought in as Government Bills there were certain alterations which he should have introduced; and he was quite confident a noble Earl, who brought in other Bills, blamed the Government for bringing them in precisely in the same shape as in the previous Session. The observation then was, that there was not sufficient responsibility on the part of the Government; and now they were told the whole responsibility devolved on the Government, because they recognised the Bills by introducing them. He was perfectly ready to adopt every word he used on the third reading, but he said the Bills were not introduced as Government Bills, and the Government was attacked because they were not introduced as Government Bills. What then occurred? The Bills were referred to a Committee upstairs, and his noble Friend the Lord Privy Seal took the Chair, and assented to a great extent, though not entirely, to certain alterations; and he (the Duke of Newcastle) then said, and he said now, that the noble Duke (the Duke of Argyll) having presided over that Committee, and having reframed these Bills, with the assistance of others, the Government adopted them on his authority and recommendation as measures which might advantageously be passed, as so far settlement of the questions involved in them. He stated on that occasion that in his opinion the Bills had not gone sufficiently far, but that the Bills were good Bills, and the Government would take the responsibility of sending them down to the other House. The noble Earl (the Earl of Malmesbury), acting, he supposed, on behalf of his party, and in the absence of the usual leader of Opposition in that House, now said they were taken up as Government Bills, and abandoned in the other House as Government Bills. What was the fact? So long as there was a prospect of these Bills being passed, and as long as there was some popularity attaching to them, they were not allowed to be considered Government Bills—Mr. Napier took them up as his Bills. Though literally not moved by Mr. Napier, he, being absent in Ireland, wrote to Sir John Young, requesting him to move the second reading in order to save time. Sir John Young having complied with this request, the Government, when it afterwards suited Mr. Napier's views, were said by him and his Friends to have adopted the Bills. On his arrival from Ireland, however, Mr. Napier, not having yet thought of resigning the Bills into the hands of the Government, would not allow the Government the responsibility or the credit, but gave notice that it was his intention—not the intention of the Government—to move the recommittal of the Bills, with a view to introduce certain Amendments. The Bills then were still his at that time, and he continued to claim them as his up to Tuesday last, but now all responsibility was to be thrown upon the Government. On Tuesday the Bills came on for discussion in Committee in the other House. The noble Earl said the circumstances were different from the circumstances under which the Bills came up to this House last year, and that they were sent down to the other House considerably earlier, and that they might have passed through the Commons in a short space of time, inasmuch as they had been thoroughly sifted by a Committee of this House. They certainly were sent down a few days earlier; but as to their being sifted, the noble Earl did not seem to consider that the Bills when they came up from the other House last year had been sifted in a Committee of the other House; but as their Lordships would not allow that to be any authority for them, they could not expect the House of Commons to take the Committee of this House as a bit more binding upon them—the Commons were as little inclined as were their Lordships to pass measures *sub silentio* and without examination. Well, on Tuesday the Bills came before the Committee of the House of Commons, and Mr. Napier having had the opportunity of recommending all manner of alterations and withdrawals —in fact, he was almost a Member of their Lordships' Committee—notwithstanding these advantages gave notice of a few Amendments, and he held them in his hand—no less than eight closely printed pages of Amendments, amounting to something like 200, to say nothing of Amendments by other Members of the House. These innumerable Amendments were proposed on Bills which had been so thoroughly sifted by their Lordships' House, and so thoroughly recognised by Mr. Napier, who fathered them, that the Government was taunted with the difficulty stated by Sir John Young in passing them. The noble Earl said that at this point of time the Bills were withdrawn, and by the Government, which statement was incorrect. So anxious was the noble Earl to make his onslaught upon the Government, so anxious was he not to lose the advantage of his temporary leadership, that before he knew anything of the facts he gave notice of this question. But, surely, in two days he might have found out the facts a little better, and come down prepared to substantiate what he advanced. The Bills were not withdrawn. They were on the Votes of the House of Commons now; for all he knew, the discussion was then going on upon them. The Government could not withdraw Mr. Napier's Bills. Mr. Napier was so jealous of these Bills that, instead of Sir John Young calling the Bills Government Bills, all that took place was this:—at the close of a long discussion, in the course of which Members from all parts of Ireland, and not of extreme opinions, had expressed their opinion that it was impossible to pass these Bills satisfactorily in their present shape at this late period of the Session, the Secretary for Ireland said, with the feeling evinced by the House, if the Bills had been Government Bills, and in his charge, he should not be prepared to press them, and that he believed the interests of the measures themselves would be promoted by being postponed to another Session of Parliament. Whether rightly or wrongly, that was the opinion of Sir John Young. He did not know what was the feeling in Ireland upon the subject, his right hon. Friend had the means of judging; and, in his opinion, these Bills, good in themselves (for in the speech irregularly quoted by the noble Earl, though he did not complain, he said he thought they were good), would not be satisfactory in Ireland, unless the compensation principle were carried further. He knew the opinion of his right hon. Friend was, that they were good in themselves, but that it was almost impossible to carry them in the present Session, and that they could not be carried in that temper to do the same benefit to Ireland which they would probably effect if carried in the next Session. He believed in the present state of Ireland no pressing necessity rendered it essential that they should be passed this year. At the same time, he should greatly regret if the Bills should not be passed—if indeed they were not to pass. He believed the Bills were good; but he had not yet received information whether or not they were to be persevered with. Probably, by that time, Mr. Napier had made up his mind what course he meant to take with reference to these Bills. He regretted they had not passed, and undoubtedly, if the further question of compensation were to be raised at some future time, he knew enough of the circumstances of that country to be persuaded that any matter taken out of the category of constant agitation was so much gained for Ireland.

THE EARL OF DONOUGHMORE said, the Bills which came to this House in July last were two Bills — the Landlord and Tenant Bill and the Leasing Powers Bill — which were proposed by his right hon. Friend (Mr. Napier), and a third Bill proposed by the present Chief Secretary for Ireland—the Tenants' Improvement Compensation — identical in name with a Bill of Mr. Napier's, but differing from it in its provisions and its machinery. There was an extraordinary discrepancy between the language of the Government in this House then and the language in another place now. Then the noble Duke did everything to fix the responsibility of that third Bill on that side of the House, and now Sir John Young said the Bill was his, and he was responsible for it; therefore it was clear it could have nothing to do with the Opposition. The noble Duke had entirely misunderstood the statement of Mr. Napier. Surely, it ought to have been in the noble Duke's recollection that, so far from there being any concert between Mr. Napier and the leader of the Opposition in this House, Mr. Napier told him he had not spoken on the subject to Lord Derby, but would do so, and no doubt Lord Derby would support the Bills. [The Duke of NEWCASTLE: I utterly deny it! I utterly deny it!] He was merely putting in contrast with the noble Duke's statement what he believed to be in the recollection of his right hon. Friend. Mr. Napier had always asserted, both in his place in the House of Commons and in private communications with him and with the noble Duke, that he never for a moment wished to give up that responsibility to any one. But, at the same time, his right hon. Friend thought, and he entirely agreed with him, that after these Bills came out of the Select Committee, over which the noble Duke the Lord Privy Seal presided, the Government had adopted and were responsible for them. The speech of the noble Duke (the Duke of Newcastle), in moving the third reading, on the 26th of May, proved conclusively that the Government had adopted them as their measures. The first reading, the second reading, the recommittal, and the third reading of these Bills were all moved by the noble Duke, and if that were not proof that the Bills were considered to be Government Bills, he did not know what proof they could have. The Bills went down to the House of Commons, and the second reading was moved by the Chief Secretary for Ireland. [The Duke of NEWCASTLE: I stated so distinctly, at Mr. Napier's request.] He thought it was perfectly natural that Mr. Napier, taking great interest in these measures, should have written to the Secretary for Ireland and requested him to proceed with them. Did the noble Duke mean to say that the having written that letter took the Bills entirely out of the hands of the Government? Then he supposed he was to understand that the Government were perfectly willing to pass these Bills, provided the merit were given wholly to them, but would give them up if their originality was to be attributed to any one else?

THE DUKE OF NEWCASTLE: So far from that, the Secretary for Ireland acted as second to Mr. Napier, leaving him the full credit throughout.

THE EARL OF DONOUGHMORE: And leaving him that full credit, the Government would have nothing further to do with them. The noble Duke had laid great stress on the Amendments which his right hon. Friend intended to propose in Committee on these Bills. On that point he would state that Mr. Napier was requested by the Select Committee to revise these Bills, particularly one of them, which had undergone much discussion during the Easter recess, and have them reprinted. But owing to the printers taking holiday the printed Bill was not sent to Mr. Napier in Ireland, and it was impossible to get the Bill reprinted before the third reading. The noble Duke, he believed, considered it was a great object to send the Bills as soon as possible down to the other House, and therefore they had not that thorough revisal which, in Bills dealing with legal questions, was so necessary. Therefore it was that these Amendments were proposed; but, with one exception, they were merely verbal, to make the sense more clear. After the second reading of the Bills in the House of Commons, Mr. Napier, anxious that they should come before the House in a more perfect shape, asked leave to have the Bills recommitted, that these Amendments might be introduced. That favour was refused, and the consequence was, all these verbal Amendments appeared upon the paper. The noble Lord said the Bills were not withdrawn, and he had admitted, as a matter of form, they were not withdrawn; but why? They remained on the paper, to allow of his right hon. Friend explaining the improper position in which he was placed by the conduct of the Government, and defending his character from all imputations. Mr. Napier, as well as their Lordships, had been led to believe that these were Government Bills, and that his aid and assistance, from being thoroughly conversant with the questions, were desired by the Government. Mr. Napier had no complaint to make of the noble Duke the Lord Privy Seal; on the contrary, he stated nothing could be more kind or more handsome than the conduct of the noble Duke throughout the whole course of these transactions; but he did complain of the conduct of the Government. The Compensation Bill, which the Secretary for Ireland thought indispensable, was withdrawn by the Government in the Select Committee on the 11th of May, and subsequently Mr. Ferguson, who had been engaged in preparing these Bills, was brought over from Ireland and paid a large remuneration by the Government for his services. If it was not intended to proceed with these Bills, that was a gross waste of money. Mr. Napier's statement was, that up to four o'clock on Tuesday he believed the Government intended to use their utmost endeavours to pass these measures, and that they were glad of his assistance on a subject with which he was so familiar. He could not understand the statement of the noble Duke (the Duke of Newcastle), that Mr. Napier had taken the matter out of the hands of the Government. The only proof he alleged was the letter written to the Secretary for Ireland, requesting him to move the second reading. Surely it was but natural that Mr. Napier, absent on business, should wish to have the measures forwarded. The right hon. Gentleman must have been a madman to take the matter wholly out of the hands of the Government, for he must be well aware, with the few opportunities private Members had, at that period of the Session, to bring forward their own measures, it would be impossible to pass these Bills, unless the Government took them up, and used their influence and the time at their disposal for the purpose. As to what had been the cause of this conduct, he hoped he should not offend the noble Duke if he said a few words of the plain truth. At the last general election a certain number of Irish Members were returned, pledged to vote for Mr. Sharman Crawford's Tenant Right Bill, and to oppose any Government which would not make that a Cabinet measure. He need say no more about Mr. Sharman Crawford's Bill than that it contained provisions as absurd as the theories of Prudhon and Cabet. When the present Government acceded to office they received support which was felt to be inconsistent with the pledge, and displeasing to many supporters of the question of tenant right. The position of the Government, then, was this—they were obliged to yield to their Irish supporters, and to keep open a sore which every patriot would wish to see closed for ever, because their friends felt that their political vocation in Ireland would be endangered if this question was settled. He went further, and said that it was lamentable they should have a Government which was so weak that it was obliged to yield to the demands of that party, to give up for that purpose measures which it acknowledged to be useful and desirable, and to keep open an agitation which was, of all agitations, the most dangerous and most to be regretted in Ireland, and all because the Government had not either the inherent strength or the moral courage to make even one effort to pass those measures in the House of Commons.

THE DUKE OF NEWCASTLE: My Lords, I cannot allow the statements which the noble Earl has just made to your Lordships, and which were cheered by at least one Member of the late Government, to pass without at once rising, not only to contradict what the noble Earl thought himself entitled to call the plain truth, but to state to your Lordships how the matter really stands as regards the late Government and the question of tenant right in Ireland. The present Government is not bound in any way whatever to those who advocate extreme views of tenant-right in Ireland, and the noble Earl ought to have known better than to make such a statement. If the noble Earl chooses to represent the present Government as bound in any way to those Gentlemen, I think he ought to be a little more cautious in the use of his expressions in this House; and the noble Marquess the late Lord Privy Seal (Marquess of Salisbury) ought also to be a little more cautious how he cheers statements addressed to your Lordships. How stand the circumstances connected with the late Government and the general election in Ireland? It is perfectly notorious that those who were sent to stand for the cities, the boroughs, and the counties in Ireland on behalf of the late Government were instructed by those who manage these things to hold very strong language upon the subject of tenant right, with the full understanding that there would be no inconvenience attached to the course which was subsequently to be taken with regard to that question. That is a matter of perfect notoriety. What did the late Government do after the election? The noble Earl talks of Mr. Sharman Crawford's Bill, and of Prudhon and Cabet. What did the late Government do with that which was a counterpart of Sharman Crawford's Bill—I mean the Bill introduced by Mr. Serjeant Shee? When a critical division was about to take place, they made a bargain with the supporters of that Bill, and agreed to refer it to a Select Committee, thereby recognising its principle. The noble Marquess may shake his head; but the fact is well known, and can be substantiated, that the late Government referred Mr. Serjeant Shee's Bill to a Select Committee, and thus encouraged the agitation in Ireland. [The Earl of RODEN: Hear, hear!] The noble Earl opposite, himself a supporter of the late Government, acknowledges and cheers that statement. I believe, my Lords, that the agitation of extreme views of tenant right was more promoted and encouraged by the course adopted by the late Government, both during the general election in Ireland and subsequently in the House of Commons, than by any step which any Government, either preceding or subsequent, has taken; while, for the present Government, I utterly deny what the noble Earl has been pleased to call the plain truth.

THE EARL OF ELLENBOROUGH: My Lords, I know nothing of this subject, except what I have heard to-night. I heard the commencement of this discussion with some regret, and that regret has been constantly increasing during the whole period that the discussion has lasted. My Lords, when the noble Earl who began the discussion asks two or three questions, I must crave the pardon of your Lordships to ask another. It is this—what benefit can the public derive from a discussion carried on in the temper in which this discussion has been carried on? My Lords, the noble Earl on this side of the House thinks that there is insubordination in the camp of the Government, and the noble Duke on the opposite side of the House thinks that there is some degree of insubordination in the camp of the Opposition. Now, I will not say that there is insubordination in either; but I must believe, from what I have heard to-night, that there is a want of that previous communication on both sides between the leaders and those who act with them—who are not the subordinates, but who co-operate with them—the presence of which would most materially conduce to the public service. With respect to these Bills, it is clear to me that there is a very great extent of misunderstanding, and that misunderstanding will only be increased by what has taken place to-night. I deeply regret it. It is evident from what has proceeded from both sides of the House, that substantially these measures are good measures, and measures required for the benefit of Ireland. I will not say whose cause is made better by the discussion of this night, but I am quite sure that the cause of the Bills is made a great deal worse. All I venture to hope is this, that for the sake of the public interests these personal feelings and discussions will be put an end to, and that those Gentlemen who are interested in these Bills will communicate with each other in a friendly spirit, having regard solely to the public advantage, with the view of seeing, even now, whether these Bills may not pass.

THE DUKE OF ARGYLL said, he entirely concurred in the observations of the noble Earl. He bore his willing testimony to the good temper and good feeling shown by the Members of that Committee over which he had the honour to preside; and when he remembered the manner in which they discussed the details of these Bills, he felt that he had entered a very different atmosphere when he listened to the violent and most unworthy party attack made by the noble Earl opposite. The whole history of these Bills showed that they were disputing about words. In one sense they had been Government Bills, in another sense they had not been Government Bills. If by Government Bills were meant party measures passed through Parliament with all the strength of the Government, without reference to individual opinions, then undoubtedly they never had been Government Bills, either in their origin or in their subsequent progress through Parliament. The noble Earl opposite had himself related a fact which showed clearly that the Bills had not been Government Bills, properly so called. Instead of the Government or the Committee referring for advice and assistance to the present law officers of the Crown, they consulted almost exclusively the law officers of the late Government; and he was bound to say that, so far as he had had any communication with the late Attorney General for Ireland, he had no reason to believe that there had been anything influencing the mind of that Gentleman except a sincere desire to get the Bills passed. He must add, however, with regard to the conduct of noble Lords opposite, that their whole endeavour had been to avoid the smallest acknowledgment of the principle of tenant compensation in Ireland. Although he admitted that the Members of the Committee had shown a good spirit and good temper in dealing with the details of the Bills, chiefly, he believed, in consequence of the personal exertions of Mr. Napier, yet he did feel it odd, when the Bills were brought down from the Committee, that those Members of the late Government who were responsible for their original introduction should have been the parties to resist to the utmost even the smallest acknowledgment of the principle of compensation. He believed that the vast majority of noble Lords opposite, whatever they might say now, rejoiced that there was a prospect of these Bills failing in the present Session. Nothing but the personal exhortation and entreaties of Mr. Napier, and the proceedings of the Committee, would have induced them to pass the Bills through that House, even in a very damaged state; and he did not think they seriously regretted that it would be impossible at this late period of the Session to pass the Bills through the other House of Parliament.

THE MARQUESS OF SALISBURY said, the noble Duke opposite had been pleased to inform their Lordships that the late Government encouraged the agitation of the tenant-right question in Ireland. If by that the noble Duke meant that the late Government permitted their law officers to prepare Bills for setting the question of tenant right at rest, and to submit those Bills to the country, then undoubtedly he was quite right, but not otherwise. The late Government certainly did, with the full consent of the Lord Lieutenant, permit Mr. Napier to prepare the Bills in question; but he was at a loss to conceive how that could possibly be construed into an encouragement of the tenant-right agitation. The noble Duke had denied that the Bills were presented to their Lordships in the present Session as Government Bills, and, as evidence of the accuracy of his statement upon that point, had laid great stress upon a conversation which he had with Mr. Napier; but he would defy the noble Duke to get over the fact that the Bills were introduced and moved by himself as the organ of the Government, even after he had been informed by Mr. Napier in writing that a noble Earl (the Earl of Donoughmore) would take charge of the Bills before their Lordships. Again, the noble Duke had said that the Bills were moved in the House of Commons by Mr. Napier, but the fact was not so, for both the first and second readings were moved by Sir John Young.

THE DUKE OF NEWCASTLE: I have twice distinctly stated that Mr. Napier wrote from Ireland requesting Sir John Young to move these Bills for him, and that Sir John Young did so.

THE MARQUESS OF SALISBURY said, he was glad that fact was admitted, for it proved that the Bills were considered to be Government measures. He was surprised, therefore, that it should have been stated in another place, that at this late period of the Session it would be impossible to proceed with these Bills. It was true that Mr. Napier had requested the permission of the Committee to correct several inaccuracies which had crept into the Bills; but, in the opinion of the noble Duke the Lord Privy Seal, who presided over the Committee, those Amendments were merely verbal, and might be made in the House of Commons without leading to much discussion, there not being a single principle involved in them. For his own part, he was not one of those who would abuse the Government for withdrawing Bills. They had done so very often during the present Session. He agreed with them that second thoughts were best, and for withdrawing these and other Bills he begged them to accept his most sincere thanks.

LORD MONTEAGLE hoped their Lordships would turn their most serious attention to the steps that were absolutely necessary to be taken before the close of the Session, if they wished to do their duty to the people of Ireland. It was to him a matter of comparative indifference what might be the relative claims of the Gentlemen concerned in the production of these Bills, or what had been the conduct of the late or the present Government; but as an Irish proprietor—as one interested in the well-being of that country—he took the liberty of calling their attention to the unfortunate position in which they now stood. He might be allowed to say, however, that although it was perfectly true that the Committee sought the advice and assistance of the Gentleman who had so long applied his great energy, his indefatigable industry, and his undoubted public spirit to the settlement of the difficult question of tenant right, yet he never heard it suggested for a single moment that they were thereby casting on Mr. Napier a personal responsibility for these Bills. This was so far from being the case, that he believed he did not misinform their Lordships when he stated that the Committee actually sent a message to the law officers of the present Government, requesting their advice and assistance likewise in dealing with this intricate subject. The Committee felt some reluctance and delicacy in calling upon Mr. Napier, whom they only knew as a private

Member of the House of Commons, to assist them in preparing measures for the House of Lords, and which had been introduced and moved by a Member of the Government; and most assuredly they never imagined that the time would ever come when by reason of the help most patriotically and freely given, the whole responsibility of these Bills would be thrown upon Mr. Napier. He was happy to say that the discussions in the Committee had been conducted in a fair and temperate spirit, though some provisions of it were carried, not because they were right, but because it was thought they would conciliate the Commons. This was a fatal error. When the Report was presented to their Lordships, and the time arrived for the third reading of the Bills, he certainly did feel that the Bills were not only under the charge of the Government, but that he was entitled to look to the Government as responsible for them. His mind was more fully satisfied upon that point, when, wishing to ascertain the responsibility of the Government for the Bills as they then stood, as against the risk of finding them returned in an altered shape from the House of Commons, he put a question on the subject, and the reply given by the noble Duke the Minister of War distinctly was, that he considered the Bills to be the Bills of the Government. But, leaving that branch of the subject, he entreated their Lordships to believe that this question was not one of indifference, or without danger, in Ireland. He admitted, for the sake of argument, that the responsibility of the Government had now ceased, so far as the present Bills were concerned; but they continued responsible for the tranquillity of Ireland, and for the maintenance of that tranquillity it was necessary that the Government should inform the people of Ireland, plainly and distinctly, what they really intended to propose. Suspense and uncertainty were as mischievous as they were unpardonable. These had been the sources of agitation and danger. It was a fatal mistake originally to have sent into Ireland a roving Commission to take evidence of all kinds, and to give the people of that country such a picture as that contained in the Devon Report, if they were not prepared, the moment the Report was laid before Parliament, either to introduce such remedial measures as they considered necessary, or else to confess frankly that they had no intention to bring forward any measure at all; but to leave the country for a series of years expecting a measure from the Government, or threatened with a measure by the Government, allowing the whole of the agitation to be directed against the proprietors and the management of land in Ireland, was one of the most dangerous, fatal, and unjustifiable courses ever pursued by any Government. He agreed with the noble Duke the Minister of War that it was dangerous and culpable on the part of the late Government to deal with this question in the way they had done. When the Secretary of State (Mr. Walpole) consented to read a second time a Bill which the head of his Government (the Earl of Derby) was compelled to disavow, he was, in fact, giving to a bad, mischievous measure, the same weight of Parliamentary and Governmental authority which he granted to a Bill prepared by the law officers of the Government themselves; but all this was now past, and, instead of dwelling upon former errors, it was their duty to see what could be done, and that immediately and undisguisedly, towards the settlement of a question that had long disturbed and agitated Ireland. He believed that there never was, or perhaps never would be, a better opportunity for effecting that object than the present moment; and he thought that the Government would be highly to blame if they did not, before the close of the Session, lay upon the table the Bills which they intended to abide by. He therefore called on the Government to declare their real intentions by producing a definite measure. The Bill introduced and carried by the Ministers in one House had been repudiated by the Secretary for Ireland in the other. Let them tell us to what we are to trust—let them frame and produce their own measure — let there be no further question of mixed responsibility. He did did not call upon them to adopt this or that measure. By the rejection of the Bills which had passed this House they had at present a *tabula rasa* before them, and it was their duty to produce what might emphatically be called their own Bills. They could no longer plead the responsibility of the Earl of Derby or Mr. Napier—they were bound to show to the people of Ireland that which, in their judgment, was wise, moderate, and practical; if they would produce and carry such a measure, it would at once save that country from the dangers of agitation, and protect themselves from the risk and hazards of the next Session.

THE DUKE OF ARGYLL said, he wished to correct one mis-statement on a point of fact which had fallen from his noble Friend who had just sat down. He was sure that mis-statement was quite unintentional on his noble Friend's part. He understood his noble Friend to say that the only argument used in Committee with reference to the tenants' compensation clause was that it had been put in in order to satisfy the House of Commons, and not because it was right or just in itself. Now, he (the Duke of Argyll) had most distinctly contended that the clause which was drawn up on this subject for allowing compensation to the tenant was just and equitable in itself. He confessed that he had been greatly astonished to hear his noble Friend's exhortation to the Government that they ought to introduce a Bill exclusively confined to the question of tenants' compensation. [Lord MONTEAGLE: No.] If his noble Friend merely meant that the Government should bring in a Bill on the subject of leasing powers, or a Bill for the simple consolidation of the law of landlord and tenant in Ireland, without touching at all upon compensation to tenants, it was not at all improbable that such measures would be received with general assent on both sides of that House; but it was the subject of tenants' compensation that his noble Friend must have meant when he said that it was a dangerous subject of agitation in Ireland; and if it was now his advice to the Government that they should pass a Bill on that question, certainly that counsel was strangely at variance with the language that had been previously held by his noble Friend both in the Select Committee and in their Lordships' House, because his language had hitherto uniformly been that they ought to let that question alone — that they should not touch the subject of compensation to tenants; and, above all, that they ought not to give any retrospective compensation—that the agitation on the subject was dying away, and that they should not keep it alive by any legislation of this kind. Therefore he could not see that there was much consistency in his noble Friend's exhortation to the Government to introduce a Bill on that question. However, he (the Duke of Argyll) would express his own individual opinion to his noble Friend in reference to this subject. He held in the main that for the future the relation between landlord and tenant ought to rest upon contract, and upon contract only; and he believed that the most mischievous parts of the Bill that was introduced by the late Government were not those that were retrospective, but those of a prospective character; and the paternity of the latter the noble Earl opposite would hardly deny belonged to the late Government. He (the Duke of Argyll) said that, whatever their legislation might be, it ought to be confined to the past, and should declare that in future the relations of landlord and tenant must rest on that which was the only sure and solid foundation—namely, contract, and contract alone. That was his individual opinion, for which nobody but himself was responsible; and he repeated that whilst it would be but right to adopt a measure giving compensation to the tenant under a state of things that was now rapidly passing away, and in which it was but fair and just that his exertions and his outlay should be considered, let their compensation be retrospective, and retrospective only, and for the future let it depend entirely upon contract.

LORD MONTEAGLE explained that he had not meant to say that the noble Duke rested his advocacy of the compensation clause exclusively upon the strong feeling entertained in the House of Commons in its favour, and the consequent necessity of conciliating that branch of the Legislature; but certainly there could be no doubt that, but for the argument which had been urged with regard to the feeling of the other House, that clause would never have been carried by their Lordships. To this principle he had strongly objected, as an unworthy motive for legislation. As to the course which he had ventured to suggest that Her Majesty's Government should take, and which he considered to be the only wise and just one, it referred to the duty of delivering a deliberate and final opinion on the general question of the relation of landlord and tenant in Ireland. He was, indeed, far from asserting that the Government ought to bring in a measure for giving tenants compensation, but that they ought in a distinct and manly manner declare the principles by which they meant to abide. For this purpose they were bound to lay upon the table of the House such measures with reference to this important subject as they really intended as a Government to propose and adhere to, so that the people of Ireland might know what they had to expect from them on this question, and might be undeceived with respect to their future intentions so far as those intentions might be inferred from the course taken by their Colleagues in the other House.

The Earl of RODEN said, that he had listened with great regret to the debate which had just taken place on a measure materially affecting the interests of that part of the empire with which he was connected. No noble Lord who had yet spoken on the question had expressed sentiments with which he (the Earl of Roden) could entirely agree. He lamented as much as the noble Earl (the Earl of Ellenborough) the spirit that had been evinced on both sides of the House, and concurred with him in thinking that such a discussion could be of no possible advantage, but quite the reverse to the great interests at stake on this question. He was sorry to hear from the noble Duke opposite that Her Majesty's Government had not withdrawn these Bills, and he had been in hopes that he would have to discharge the pleasing task of thanking them for adopting such a course, and he knew that in so doing he should only have been expressing the opinion of the great majority of the landed proprietors of Ireland. He knew that they were opposed to these Bills, as being founded upon a principle that was unjust and on a principle of legislative interference with the management of property in Ireland that no Government would venture to introduce in reference to England. The landlords of Ireland felt that they were capable of managing their own property as well as the landlords in England, and they expected that the same law and justice would be dealt out to the one part of the empire which was enjoyed by the other. He agreed with his noble Friend opposite (Lord Monteagle) that it was very desirable that something should be said or done on the present occasion calculated to disabuse the minds of the people of Ireland of the idea that any such measure as some persons had led them to look for would ever be allowed to become the law of the land. He believed that a great change for the better had taken place within the last few years in the management of Irish property; and he entreated their Lordships to leave this subject alone, and not to take measures or bring in Bills by which matters could only be rendered worse and worse, and which, instead of allaying discontent and setting this question at rest, could only tend to exasperate public feeling, and to make it more unsettled than ever it was before. These were the sincere opinions of one who was not unacquainted with the circumstances of Ireland. He had now spent a long life in that country, and knew well the feelings of its people—knew the objects which they had at heart, and was likewise aware of the improvements that had there taken place; and, therefore, in expressing thus strongly his opinion upon a question of such vital importance as the present, he felt that he could speak as one who had authority to do so. He would only entreat them then to forbear from legislating upon that of which legislation had hitherto proved the ruin. It was never known in Ireland, from one year to another, what the law upon this subject might be, the changes that were made being so constant and frequent; and he therefore trusted that their Lordships would now allow that country to enjoy a little of that repose and respite from legislative meddling which prevailed so happily in England.

The Earl of MALMESBURY said: My Lords, I think it incumbent on me to explain myself in reference to the accusation made against me, to the effect that this attack had something personal and was intended to be personal. My Lords, I utterly deny that accusation. If there was any expression of mine that could by possibility offend any noble Lord, I am ready to withdraw it, and also to express my sorrow for having used it. But I am so certain of my expressions, of the spirit of what I say, and of the feeling with which I have accused Her Majesty's Government, that I know no word or expression unbecoming a Member of your Lordships' House has escaped my lips, or could even be construed of a personal nature. I wish, my Lords, I could say as much for noble Lords on the opposite side. Of the noble Duke the Secretary for the War Department I will say nothing beyond this, that he does not at all times display that control over his temper and language which his position as a Member of Government would lead the governed to expect. However, I shall only say of the noble Duke, that, altogether, he made as good a defence as possible to my accusation. There is another noble Duke opposite (the Duke of Argyll) of whom I must complain for using expressions not at all customary in your Lordships' House, and which are not at all borne out by what I have stated. The noble Duke said my attack was "unworthy." My Lords, I consider that an offensive expression. I am sure I meant nothing offensive. But the noble Duke should know such language is not ordinarily used in this House; and I cannot see how my attack can be construed into an "unworthy" one, when your Lordships will recollect how much I have been identified with this subject. What are these Bills? They originated with a Government of which I had the honour to be a Cabinet Minister. The following year a discussion—a very warm discussion—took place on the subject. Another year passes, and discussion is again taken on the subject, and I am appointed a Member of a Committee to which these Bills are referred. I attend regularly on that Committee for two successive months, and give the Bills every possible attention, therefore, that being the case, I say I should be a dolt indeed if, understanding those Bills and devoting so much time and attention to them, I had remained careless of their fate, and heard with indifference that they were abandoned by Her Majesty's Government. When comparing the policy and intentions of Her Majesty's Ministers with their acts at this moment, though I am certain of my language, I cannot say what my manner might have been in giving it utterance. But I know I used no expression "unworthy" the dignity of your Lordships' House, although the noble Duke opposite designated my attack as "unworthy." I hope the noble Duke will withdraw that phrase.

THE DUKE OF ARGYLL was sorry if he had said anything personally offensive to the noble Earl; and if the noble Earl thought he had done so, he would withdraw it. All that he had meant to say was, that the attack was a party one, and therefore, in that sense, an unworthy attack. He considered that this question was not a party question, and ought not to be so treated; neither did the noble Earl's own friends treat it as such in the Committee; although he certainly thought they were now doing that. They first said it was a Government measure, meaning thereby, a party measure (otherwise their argument was worthless), and then they made what he conceived to be a party attack on the Government.

THE EARL OF MALMESBURY: I am quite satisfied with what the noble Duke has stated as applicable personally to myself; and I assure him I entertain no party feeling beyond that which must always exist in a House divided into two parties—the duty of the Opposition being to scrutinise, on behalf of the country, the proceedings of those in authority; and the duty, or one of the duties, of the Government, being to sit still and receive Opposition attacks. In reference to the statement of the noble Duke (the Duke of Newcastle), to the effect that the late Administration had authorised or encouraged its supporters to use the cry of tenant right, I have only to say it is the first time I heard such a statement, and, what is more, I do not believe it. As far as my knowledge goes such is not the fact; and it scarcely could have been the case without my knowledge. But, my Lords, I am not anxious to occupy your time, and shall, therefore, conclude by saying that, upon the main point, I wish to know if these Bills are given up, or if they are to be persevered in. On that we have not had a distinct answer throughout the evening.

THE DUKE OF NEWCASTLE said, that if the noble Earl had given him a few minutes' notice of his question, perhaps he might have been able to give him a more distinct answer to it. He was not aware of what had that night taken place in the other House on this subject, and, perhaps, the noble Earl knew more of it than he did. But he already stated what was the literal fact, namely, that when the Bills were under consideration in the other House the day before yesterday (Tuesday), the Secretary for Ireland said that if he had the charge of the Bills—and it was generally thought that they required a very lengthened and laborious discussion in Committee—he should certainly be prepared to state that at that period of the Session they ought not to be persevered with this year. There the matter rested till that day, and the Bills remained on the books of the other House for six o'clock. He had not seen a Member of the House of Commons, and did not know what had since occurred; but this he could say, that the Government felt that several evenings must be employed in discussing the Estimates and in other important business; and, that, therefore, at this period of the Session, if there was an intention on the part of the fifty or sixty Members for Ireland in the other House who took an interest in this question to raise a discussion upon every clause, it would be impossible to proceed with these Bills during the present Session of Parliament.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 13, 1854.

MINUTES.] PUBLIC BILLS.—1° Court of Chancery (County Palatine of Lancaster); Burials beyond the Metropolis; Sale of Beer, &c.; Medical Graduates (Ireland and Scotland).

2° Borough Rates; Militia (Scotland); Royal Military Asylum.

Reported—Convict Prisons (Ireland); Criminal Procedure; Standard of Gold and Silver Wares; Turnpike Acts Continuance, &c.; Heritable Securities (Scotland); Turnpike Trusts Arrangements; Highway Rates.

3° Drainage of Lands; Parochial Schoolmasters (Scotland); Youthful Offenders; Merchant Shipping Acts Repeal.

THE WAR WITH RUSSIA—BLOCKADE OF THE RUSSIAN PORTS—QUESTION.

MR. HUTT said, he begged to ask the noble Lord the President of the Council what was the actual state of the blockading operations undertaken by the British Government in the Black Sea, and whether the Government contemplated an immediate blockade of all the ports in the Black Sea and the Sea of Azoff?

LORD JOHN RUSSELL: Sir, with respect to the first question of my hon. Friend, the answer I can give is, that there is an effective blockade of the mouths of the Danube, which has just been regularly notified. With regard to the question as to what are the intentions of the Government with respect to the immediate blockade of all the ports in the Black Sea, and the Sea of Azoff, I must answer it with some reserve. Admiral Dundas, the commander of our fleet in the Black Sea, came to an arrangement with Admiral Hamelin on this subject; it was, however, necessary that the propositions should be transmitted to Constantinople, and Paris as well, for the purpose of coming to some agreement on the subject. On the arrival of the document at Constantinople, Lord Stratford de Redcliffe had some doubt whether the propositions made by the two Admirals were in strict conformity with the law of nations, and thought it necessary to refer them to this country. My noble Friend the Secretary of State for Foreign Affairs has taken opinions on the subject, which have been transmitted to Constantinople, and afterwards the intentions of Government will be declared.

MR. HUTT said, after the statement the noble Lord had made relating to the Black Sea, he should like to know something with respect to the White Sea; and he begged to ask the right hon. Baronet the First Lord of the Admiralty what were the intentions of the British Government as to the blockade of ports in the White Sea?

SIR JAMES GRAHAM: Sir, by an arrangement with the French Government, orders have been transmitted to the French and English Admirals commanding the combined fleets at the entrance of the White Sea to institute a strict blockade of Archangel and other ports of the White Sea, commencing on the 1st of August.

LANDLORD AND TENANT (IRELAND) BILL, AND LEASING POWERS (IRELAND) BILL.

Order for Committee read; House in Committee.

Clause 1.

MR. NAPIER said, he rose to make the statement of which he had given notice in the early part of this week on the subject of these Bills. It was in consequence of the appeal he had made to the noble Lord (Lord John Russell) on a former night, that he was then enabled to make observations which he deemed necessary in reference to the extraordinary statement of the right hon. Baronet the Secretary for Ireland, to which, as yet, he had had no opportunity of replying. He confessed that statement had quite taken him by surprise; and it was, therefore, with the deepest and sincerest regret that he now felt himself compelled to ask the attention of the Committee to the circumstances under which he was called upon to address them. The right hon. Baronet, at the end of the morning sitting of Tuesday, said—and that he (Mr. Napier) might not misrepresent him in anything, he would give the leading passages in his speech on that occasion as they were reported in the *Times*, and he believed the report was substantially correct—the right hon. Baronet had stated, in reference to the two Bills before the House—namely, the Landlord and Tenants (Ireland) Bill and the Leasing Powers (Ireland) Bill—that if they had been Government Bills, they would not have been proposed at this period of the Session—

> "Sir J. Young assured the House that if these had been Government Bills, they would not have been proposed at this period of the Session. Nothing could be fairer than the course taken by the Government upon these Bills, or more courteous to the right hon. Gentleman (Mr. Napier), to whose skill and ability they were undoubtedly owing. A Committee of that House, fairly appointed last Session, discussed these Bills, and at

a late period of the Session they were sent up to the House of Lords. They were taken up by the Duke of Newcastle, but it was found impossible to carry them at that time. The Landlord and Tenant Bill, the Leasing Powers Bill, and the Tenants' Compensation Bill, were read a second time by the House of Lords, and it was resolved that the Bills should be considered by a Select Committee at the beginning of the present Session. A noble Lord, a Member of that House, brought in this year a Landlord and Tenant Bill, and a Leasing Powers Bill, which had a resemblance to the Bills of last Session, but without the Tenants' Compensation Bill. These Bills were all sent to a Select Committee of their Lordships' House. The Landlord and Tenant Bill emerged from that Committee, but no Tenants' Compensation Bill, and that which he (Sir J. Young) proposed and was responsible for was not before the House at all. The two first-named Bills were, he thought, good measures as far as they went. The Landlord and Tenant Bill was a good consolidation of the law, and the Leasing Powers Bill was a very good measure, and, taken by itself, was a great improvement on the law. But was he to take this for the whole code of tenancy? Was the House to take a part of legislation without the rest, and would the two Bills now before the House be acceptable without a Tenants' Compensation Bill? He inclined to think they would not. If hon. Members who were usually supporters of the Government had asked the Government to proceed with the Bills this Session, the Government would have done so. But no one representative of an Irish constituency, who had come to him on the subject, had wished these Bills to be persevered with during the present Session. Still he had determined to leave the decision to the House, and he had obtained a morning sitting for the discussion of this subject. After what had taken place that day, he must confess he did not think it fair and right to press these Bills further upon the House. The compensation clauses of the first Bill, unless accompanied with the provisions of the Tenants' Improvement Compensation Bill, would only create dissatisfaction."

Not only was he (Mr. Napier) desirous not to misrepresent the right hon. Baronet, but he was anxious to put his observations in the best light. It was quite true, as the right hon. Baronet stated, that he (Mr. Napier) had been treated up to yesterday with very great courtesy, and with every respect by the Government in the matter; but having been so treated, with propriety and candour, as he supposed, he could not have had any doubt that he was in full co-operation with the Government to have these Bills passed with all the energy which could be brought to bear upon them by both. The first intimation he had received of the slightest indisposition on the part of the Government to proceed with these Bills occurred yesterday—not before; and he (Mr. Napier) would appeal to the Committee and to the country, therefore, as to the manner in which all parties had been treated in the matter. But more than that, he complained of the way in which a question which he conceived to be most important to Ireland had been dealt with. The right hon. Baronet put his case on this ground. He admitted that the two measures then under discussion were valuable measures, and that there could be no objection to them; but that the third Bill, which he (Sir J. Young) had proposed—the Tenants' Compensation Bill—and for which he claimed the responsibility, not having come down to that House from the Lords, he considered it would be unfair to ask the House to go on with the other two Bills, which, he added, were not Government measures, or they would not have been proposed at that late period of the Session for the consideration of the House. A discussion had previously been raised as to whose Bills these were, some hon. Members saying that these were Government measures, and others that they were his (Mr. Napier's); and the very first words used by the right hon. Baronet were "if these had been Government Bills"—and the right hon. Baronet added that he was not responsible, because the whole of the measures were not before the House, and he would not go on with but a part, said to be imperfect and defective. In the other House of Parliament, however, the Duke of Newcastle had made a very different statement on the same afternoon. On that occasion the Duke of Newcastle expressed himself in these terms—

"The Duke of Newcastle said it would have been very convenient if the noble Earl had given him only five minutes' notice of the question which he had meant to put to him, as he had only heard of the facts to which he referred just as the noble Earl rose, from a noble Marquess opposite (the Marquess of Bath), and therefore had had no opportunity of conferring with his Colleagues on the subject, and of confirming or setting right the statement which the noble Earl had made. He would, however, take the earliest opportunity of doing so, but he might say now that it was always intended, that it had always been intended, to persevere in the Bills to which the noble Earl referred to, if the circumstances of the Session permitted, but still, at the present period of the Session, and considering the lengthened discussions which had always taken place on this subject, it might be impossible, even if a few Members persevered in their opposition to it, to carry those Bills without throwing over all other public business. The Bills were not party Bills, and had never been looked on as such, and though, technically speaking, they might not be Government Bills, there was no doubt that the Government had adopted them in their essence. He was quite sure that there was no unfair repudiation of these Bills contemplated by Her Majesty's Government, and that the only reason why they were withdrawn was, that it had been found impossible to proceed with them during the present Session."

Nothing could have been more fair than this statement. If the case presented by the right hon. Baronet had been, that from circumstances over which he had no control, or from the unscrupulous use of the forms of the House by Members who opposed the Bills, he had been defeated in his attempts to proceed with these measures, he (Mr. Napier) should have had nothing to say on the subject, as he would consider that a fair excuse for relinquishing them. But the right hon. Baronet did not put the case on that ground; he put it entirely on this ground—that as they were not accompanied by the Tenants' Compensation Bill, which had passed the House last Session, he could not go on with them. He (Mr. Napier) had never had the slightest intimation from the Government, though he had been in frequent communication with them on the subject of these Bills, that it was not their intention to press two without the third; or that the Tenants' Compensation Bill, having been rejected by a Select Committee of the Lords, they felt themselves not to be bound by that decision, and that they did not intend to press forward the others. So far from this, he believed there was not a dissentient voice in that Committee, on which were several Members of the Government—the Duke of Argyll presided over it. The other two Bills were adopted as a fair settlement of the question, and sent down to the House of Commons as Government Bills. The first reading was moved by the right hon. Baronet, and he (Mr. Napier) believed the second reading also; certainly it was moved by a Member of the Government; and the day was fixed for going into Committee. He was himself at that time absent in Ireland. Communications had been made to him with regard to them, and he applied to the noble Lord to know what day he could give for them to be taken into consideration. He admitted that every courtesy was shown him at that time, and everything conduced to make him think they were to be *bonâ fide* proceeded with. He had kept continually working at them with that view, spending his own time and that of others in considering them; and now, having proceeded so far in this way, under the belief that these two Bills were to be passed, he learnt from the lips of the right hon. Baronet that they were renounced by the Government in consequence of the rejection of the Bill of the right hon. Baronet by the Select Committee of the Lords; and the sore that had so long been festering in Ireland was to be again torn open, with the intimation that these Bills would not be proposed unless that rejected Bill accompanied them. He (Mr. Napier) wished to know whether the Members of the Government in the two Houses resolved on speaking different things. The right hon. Baronet had talked of those Members who honoured the Government with their confidence; perhaps he had communicated his intentions to them. But those hon. Members who represented Ulster, and who, for the most part, did not honour the Government with their confidence, they were certainly kept in ignorance, as well as he (Mr. Napier) himself, on the subject. The first thing the right hon. Baronet said was, that these two Bills were not Government Bills. If so, who placed them on the paper? By whom had they been brought forward? The right hon. Baronet wished, perhaps, to say that he would not take the onus of these Bills. He had intimated that they were his (Mr. Napier's) Bills. He (Mr. Napier) could have well understood the right hon. Baronet if, on the rejection of the third Bill, he had come forward and stated that he would not be bound by the Select Committee; but that he had not done, nor had he intimated to him (Mr. Napier) and such intention or opinion. Let him for a moment trace the history of these Bills. Originally there had been three of them—the two now before the House and the Tenants' Compensation Bill. All three were confided to the Duke of Newcastle to take charge of them in the House of Lords, and in his Grace's hands he had been quite satisfied to leave them, knowing that when Secretary for Ireland, in 1846, he had given great attention to the subject and in conjunction with the right hon. Baronet, prepared a Bill on the same subject, which had not gone beyond the first stage of it in consequence of the change of Government. They were presented to the House of Lords accordingly. But a noble Marquess, who endeavoured to be as unkind to him (Mr. Napier) as possible, asked the Duke of Newcastle, on the 8th of August last year, whether the Bills had been submitted to the law advisers of the Irish Government, and what was their opinion as to the safety and accuracy of the Bills. To that his Grace replied that, after the change of

Government, it was thought desirable that the Bills should be submitted to the law officers of the new Administration; they had been accordingly submitted to the Lord Chancellor of Ireland, and the Attorney and Solicitor General for Ireland, and they reported that the Bills had been drawn up with great care and accuracy, accompanying their report with a recommendation that they should be passed as speedily as possible into law. Under these circumstances he (Mr. Napier) thought he needed not be ashamed of the paternity of the two Bills, as there were no higher authorities on the subject who could be officially consulted. On the next day, on moving the second reading of the Bills, the Duke *repeated* that the Bills had been referred to and approved by the present Lord Chancellor and the present law officers of the Crown in Ireland. He ended by saying, "Her Majesty's Government were ready to place the responsibility of settling this question to the credit of the late Government, if the proposed measures succeeded, with a certainty of blame to themselves if they did not." What occurred last Session of Parliament was this:—When his Grace proposed to submit them to the House of Lords, he (Mr. Napier) was absent in Ireland, and there was great confusion and unpleasantness on the matter; and it being then close on the end of the Session, the Earl of Aberdeen said, that the Government would undertake themselves at the beginning of the next Session to send the Bills to a Select Committee of the House of Lords, and have them fully considered —that they would then see what could be made of them, and would endeavour to pass them as they should be moulded by the Committee. In the interval between Session and Session, he (Mr. Napier) had again looked over them, and he had taken all the advantage in his power of the observations made in the House of Lords. He could not but perceive, he admitted, that the Tenants' Compensation Bill was objected to in all its parts, and he found that so much misrepresentation prevailed in Ireland, that, in reply to his noble Friend (the Earl of Donoughmore), he addressed him a letter stating the true facts of the case. He then sent this to the Duke of Newcastle and informed his Grace that he would disembarrass him of the two Bills. The difficulty was to find a father for the Tenants' Compensation Bill, though with regard to its authorship there was no doubt, for in the official list of Bills published in July, 1853, the Landlord and Tenants Bill and the Leasing Powers (Ireland) Bill were set down to him (Mr. Napier), and the Tenants' Compensation Bill to the Government; the third reading was, in fact, moved by the Solicitor General for Ireland. He (Mr. Napier) had endeavoured, as he said, to amend the two Bills, and the Earl of Donoughmore proposed them in their amended form upon the first night of the Session. The Duke of Newcastle thought, in consequence of the pledge already given at the end of the last Session, that he ought to produce all in their original form, and he did so. In three weeks after, the noble Marquess alluded to (the Marquess of Clanricarde) produced another Bill, and a fourth Bill was produced by a noble Lord connected with the north of Ireland (Lord Dufferin). All these Bills were referred to the Select Committee over which the Duke of Argyll presided. Shortly after that Committee sent a message requesting him (Mr. Napier) and the Solicitor General for Ireland to attend and give evidence. He (Mr. Napier) did for many days attend accordingly, and he heard with some surprise and indignation the charge which had been made against the Committee the other day by the hon. and learned Member for Kilkenny, after witnessing the unwearied pains, the ability, the attention, and the impartiality of that Committee. It was in his (Mr. Napier's) mind impossible to have made a better selection than the Duke of Argyll to preside over such a Committee, conversant as he was with Scotch law, from which several of the provisions of the Bill were borrowed; his Grace had made himself master of almost every branch and every detail of the question, and he had never met and he could never expect to meet with greater courtesy and fairness than had been exhibited by that nobleman. His Grace it was who suggested that Mr. Ferguson, to whom he (Mr. Napier) was so deeply indebted for the preparation of these Bills, should be sent for and paid by the Government; and it was due to the right hon. Baronet (Sir John Young) to state that he at once acceded to that proposition. The Committee went to their work, and on the 11th of May they made their Report. On the 18th of May the Duke of Argyll, on moving the recommitment of the Bills, made a full explanatory statement. He said—

"With regard to the first Bill, when it was read a second time some weeks ago a strong feeling with reference to some of its provisions was expressed by noble Lords on both sides of the House. In the discussion which had taken place in the Select Committee there had been, on the one hand, a firm determination to maintain those great doctrines of property on which must depend all agricultural and, indeed, all other improvement; while, on the other hand, there had been an equal determination not to allow a pedantic adherence to abstract principles to stand in the way of the real justice of the case."

After mentioning the titles of the various Bills referred to the Committee, the noble Duke said that—

"With respect to this measure, the whole of their discussions had arisen with respect to the clauses relating to the compensation to be given to the tenant for existing improvements. It would, however, be a mistake therefore to suppose that these clauses were all that was important in this Bill, for, in truth, the most important parts had no reference whatever to compensation. On this question he (the Duke of Argyll) adhered to the great fundamental principle that the relation between landlord and tenant should be founded upon contract. In perfect consistency with this, however, he thought they might pass enactments referring to the relations between landlords and tenants in cases were there was no agreement, or where the agreement was silent."

The noble Duke went on to say—

"He thought that it would be politic in the House to ease off the hardships which might be attendant upon this period of change, by making provision for the compensation of tenants for the expenses they had actually incurred by erecting buildings under customs which were now passing away. With this view the Select Committee had determined, to a certain extent, to give a retrospective operation to the principle of the Act of 1851, which he had already described to the House. In the Bill as it was originally introduced, it was proposed to declare absolutely that 'all buildings which shall have been erected at the sole expense of the tenant shall belong to him, and be removable from the farm.' It was, however, objected to this that in many cases the tenant had been sufficiently compensated for his outlay by the length of his lease, and the Committee had therefore modified the clause as follows. They had prepared a list, in the first place, of the cases in which any claim on the part of the tenant should be absolutely barred; and, in the second place, a list of circumstances which should be taken to limit the amount of the claim. The tenant was to be absolutely barred from making any claim for buildings erected at his own expense if they were erected in pursuance of any agreement, if they had been already compensated for by any abatements or allowances of rent, or if they were erected in violation of any covenant against sub-letting, and, lastly, if they had been enjoyed for twenty-one years. The amount which could be claimed by the tenant as compensation, should the landlord elect to purchase the improvement, was to be reduced in proportion to the length of time short of twenty-one years, during which the tenant had enjoyed the improvement; and the landlord might also reduce it by showing that allowances or abatements of rent had been made on account of the improvement, or by showing that arrears of rent were due to him. He believed that, thus modified, the clause was founded upon sound principles, which it would be equally for the interests of landlords and tenants that that House should adopt. After the Landlord and Tenant Bill and Leasing Powers Bill had been passed through the Committee, they next came to the consideration of the Tenants' Compensation Bill. It was proposed originally that the Bill should have reference to improvements not only in, but on, the soil; but when the Bill left the House of Commons the improvements in the soil were totally excluded, and as the Bill came to the House of Peers there was nothing referred to in it but roads and fences. It was thought by the Select Committee that it would be absurd to have a special Bill for roads and fences, having already dealt in another measure with houses and buildings, and the Committee had reported against the expediency of proceeding further with the Tenants' Compensation Bill. They had reported in favour of the other two Bills, and he should, therefore, move their Lordships to go into Committee on those Bills."

It certainly was most satisfactory to himself, as a matter of personal congratulation, that out of all the Bills which had been referred these two alone should have been selected by the Committee to be proceeded with. In May the right hon. Baronet was aware that the two Bills went into Committee of the House of Lords. On the 11th of May the report was brought up, and every one was aware that in that report the Tenants' Compensation Bill was unanimously abandoned. On the 18th May the Duke of Argyll made a speech, and explained the reasons for this proceeding; so, therefore, the right hon. Baronet must have been aware that his Bill relating to tenants' compensation would not go on; and yet Mr. Ferguson was brought over at the expense of the Government. The two Bills came on for third reading on the 26th May. The noble Marquess (the Marquess of Clanricarde), with persevering consistency, called attention to the fact that no one was responsible for the Bills. The Duke of Newcastle then made a statement, in reply to the noble Marquess—

"The Government had no disposition whatever to please any extreme party in Ireland by these Bills. So far as the Government had had a hand in these Bills no such object had existed. It had undoubtedly been sought to allay any irritation which might exist on the part of any of the people of Ireland, in consequence of injustice which they might feel had been inflicted upon them; but the object of the Bills had been simply to amend the law relating to landlord and tenant, as much for the benefit of the landlord as for that of the tenant, and to satisfy those moderate men who wished the interests of both to be consulted, and not any extreme party whatever, whether of landlords or tenants. The noble Marquess, and also the noble Earl who moved the first Amendment, had complained that these Bills had been introduced without any one being responsible for them. Now, though he (the Duke of Newcastle) had introduced these Bills in the exact form in which they were last Session received from the House of Commons, in order that they might be referred to a Select Committee to be moulded into a form for submission to the House, yet the Government—one of its Members having presided over that Committee, and having most carefully superintended the examination of these Bills and been a party to the amendments which were made—the Government was not prepared to throw upon that House or upon any other person the responsibility of these Bills. The Government accepted the responsibility of them exactly as if they had been framed under its direction, and had been introduced in the shape in which Government Bills were generally introduced. If the noble Marquess meant to deduce from his argument that the Government intended to shift upon the House the responsibility of accepting these Bills in whatever form they might come from the House of Commons, he could assure the noble Marquess that there was no such intention; but the Government was not prepared to offer to the House of Commons the insult of saying that they would reject any amendments which might be introduced into the Bills in that House. As regarded these Bills, as regarded others going from this House, the Government accepted the responsibility of them in the shape in which they were sent down to them by their Committee, and they would judge how far the principles involved in the Bills, as they now stood, were affected by any alterations which might be made in another place, and by their honest conviction as to the condition in which they came up they would be guided in the course which they should take." [3 *Hansard*, cxxxiii. 1006.]

Now, at that time the Tenants' Compensation Bill had been rejected by two Cabinet Ministers, by the unanimous Report of the Select Committee of the House of Lords; and no one on the part of the Government had raised a voice against the other two Bills, which it was proposed should be proceeded with as Government Bills, and might therefore be regarded as a fair settlement of the question. The proceedings were fair and open; they were dealt with in the other House as Government Bills, and for his own part he shrank from no just responsibility, and he would ask the House to say if he had not acted with the most perfect fairness with respect to these Bills. He had no wish to refer to personal matters; he always avoided doing so if possible, as he desired only to have kindly feeling, whatever might be their political differences. But he was bound to refer to Tuesday last, and before doing so he would just state that he had previously received one letter from a Member of the Government inclosing a suggestion relative to the Landlord and Tenant Bill, and another letter from another Member with a suggestion as to the Leasing Powers Bill. These suggestions, he would say, he considered to be valuable. He repeated it was not his inclination to refer to personal matters, but he must do so on this occasion, and he then must fearlessly ask the House to say if he had been honourably treated in this matter. He would appeal to the noble Lord to say whether it was likely he would, day after day, have given his time to the question, or have attended every time he was requested by the Duke of Argyll and the Lords' Committee to give assistance, had he not thought the measures would be proceeded with *bonâ fide*, and had he not known that there existed a great anxiety in Ireland to have the question settled? It had been the fashion to keep the question open—a question affecting a large mass of property; and it was generally felt that any settlement was better than no settlement. But what was the present position of the question? After so many years of labour, it was never worse than now; and all this had been accomplished by the unexpected and unjustifiable statement made by the right hon. Baronet on Tuesday last. He (Mr. Napier) owned the subject was one of intense interest to him; he had given his assistance and his time to the Government freely and without stint, and he owned he thought that under such circumstances a high-minded Government would have rallied round him to support a beneficial measure—not a measure that was all that every one might wish—not such a measure as the right hon. Baronet might wish—nay, not even such a measure as he (Mr. Napier) would have wished; but a measure which had in view, and certainly was calculated to accomplish largely a beneficial purpose. He would say, in a Constitution like ours, it was impossible that the views of one should override the opinion of many, and though he might desire to go somewhat further than the House of Lords—yet, looking at the prevailing opinions on the landlord and tenant question—looking at the opinion of the Lord Chief Justice Campbell and other high authorities — looking at the difficulty of dealing with the question and the general opinion of moderate men that the two Bills presented a fair settlement of the question; considering that so much was already done towards that settlement, and that what was done had been mainly owing to the good sense and ability of the Duke of Argyll in consequence of the manner in which he had managed the proceedings of the Committee, he deplored the conclusion at which the Government had arrived. He much doubted whether any other man could have got so liberal a settlement of the question as had been obtained by the Duke of Argyll. The two Bills came from the House of Lords substantially as Government measures. The House of Lords had passed these two Bills, considering them to contain a fair settlement of the question. And what was the course taken in the House of Commons when the Bills came down? The right hon. Baronet, holding, as he did, a high official position, ought not—he would take the liberty to say—ought not to hand himself over to any particular section of Irish Members. These measures related to property in Ireland, whether connected with landlord or tenant; the question, therefore, was one which ought not to admit either of party or class legislation. The right hon. Baronet knew how he had been attacked by both parties in Ireland for the course he had taken with reference to this question; he had endured much abuse, and had been subjected to a great deal of misconception, for dealing with the question at all between landlord and tenant. But the right hon. Baronet now took a new position, and said it was unfair to press the two Bills, because they were not accompanied by the Compensation Bill. Why, how were the Bills proposed to the House? The second reading was moved, a debate was got up, and the Bills were proceeded with in the ordinary way. Was the right hon. Baronet, then, taken by surprise by what occurred here last Tuesday? These Bills were on the paper yesterday; and the right hon. Baronet asked whether he could have expected that the hon. and learned Gentleman (Mr. Serjeant Shee) would have allowed the Bills to proceed—he could not have expected that, for it would have been ruin to some Members had he done so. Why, so long ago as the 15th of June, he found on the paper a notice standing in the name of Mr. Serjeant Shee, to the effect, that, on the Motion for leaving the chair, he would move that these two Bills be postponed until the second reading of his own Tenants' Compensation Bill. He (Mr. Napier) came down yesterday and heard a long speech in which he was coarsley abused; he expected that, as he was accustomed to it, always consoling himself with Dean Swift's lines—

> "On me when dunces are satiric,
> I take it for a panegyric."

The hon. and learned Gentleman said he would not trust him (Mr. Napier) out of his sight, for he had not his confidence. He did not want the hon. and learned Gentleman's confidence. The hon. and learned Gentleman appeared, however, to have none to spare, except for the Government, who appeared to give their confidence to him in exchange. The hon. and learned Gentleman complained of the number of Amendments he had placed on the paper, and enumerated them. But these Amendments nearly all related to verbal matters. The number of Amendments occurred this way. They were noted in the Committee of the House of Lords, and he was told that the House of Lords would adopt them; and during the recess he was ready to put them in a legal form. But he could get no copies of the Bills at that time, as altered by the Committee in time for the House of Lords, and as he had only recently obtained copies he could not introduce the Amendments before. These Amendments were mostly verbal and grammatical; some proposed to substitute clauses more accurately framed; but, with the exception of one of the Amendments, there was not any which had anything to do with any question of disputed principle. When he proposed to have the Amendments printed he was opposed by the learned Gentleman, who would not consent to so reasonable a thing. He was obliged to sit down without obtaining his object, that object being merely to make the Bills at an early stage more accurate and complete. He would do the right hon. Baronet the justice to say it was not on that ground he had put his case. The right hon. Baronet had put it on this one point, that his Tenants' Compensation Bill ought to accompany the other two Bills, because, after what had taken place, the compensation clause of the first Bill, unless it were accompanied by the Tenants' Compensation Bill, would only create dissatisfaction. If that was the opinion of the right hon. Baronet and the Government, let the House just see in what position they were placed. The Select Committee of the Upper House, the Duke of Argyll presiding, and acting on the part of the Government, the House of Lords itself, and, indeed, almost all parties were agreed as to the value of the two Bills, and were of opinion that the Tenants' Compensation Bill should not pass. And yet Government now said that the two Bills could not proceed, however valuable they might be, unless the Compensation Bill accompanied them. He did not object to Government having their opinion on the subject, but then he would ask, was it fair, reasonable, or just to the country, or to himself, after bringing the Bills up to the point at which they stood—Bills pressed forward substantially as Government measures—after throwing the responsibility on others, and after he had been invited by Government to give his unremitting attention to that subject—after he had given his time and attention to the Bills, believing them to be *bonâ fide* beneficial measures, was it fair to him to say, if the Tenants' Compensation Bill could not be passed, the whole question should be thrown overboard, and the decision of the House of Lords pronounced to be wrong? Was it fair, he would ask, for the hon. and learned Member for Kilkenny to taunt him with bringing in a Bill from political objects rather than to settle a great question? He would ask the House whether from the first time he had spoken on the question, he had ever shown a disposition to act with party or political feelings? It was at the suggestion of the right hon. Baronet, before he took office himself, that he had given his attention to this question. When the right hon. Baronet sat on the opposition side of the House in February, 1852, at a time when there was a severe attack on the noble Lord (Lord John Russell) the right hon. Baronet, as well as the Secretary of the Admiralty, asked him to take up the question. His opinion was then well known—it was embodied in that publication for which he was substantially responsible. He did take the question up from that time, and having taken it up as an independent Member, and followed it up with all the weight he could bring to bear as a law officer of the late Government—after having throughout followed one consistent course in reference to the question—he thought that at least he was not open to any of the imputations that had been thrown out against his course of proceeding. With respect to the Bills before the House, the right hon. Baronet admitted their value—they had the approbation both of the Government and the House of Lords, and the Tenants' Compensation Bill was the right hon. Baronet's Bill. The right hon. Baronet would recollect that when he introduced his Bills, two of them were more or less connected with the subject of tenants' compensation. One of these Bills he admitted was more comprehensive in one respect than the measure of the right hon. Baronet. But the Select Committee were of opinion that his measure was too complex. He believed there was no section of that House who refused to concede the abstract principle, that if a tenant made an improvement on his farm he ought to be compensated; the only difficulty was as to the mode of carrying the principle out. The Committee of 1853 examined a good deal of evidence, and here was the Resolution they came to—

> "That the attention of the Legislature be directed to an early consideration of the laws which regulate the relation of landlord and tenant in Ireland, with a view to their consolidation and amendment; and especially to consider the practicability of such legislation as might provide adequate security to tenants for permanent improvements, and otherwise place the relation on a more satisfactory basis."

Well, then, he did accordingly attempt to consolidate and amend the law on these subjects. The two Bills were to be considered as consolidating and amending Bills. With regard to tenants' compensation, he did the best he could to adjust it; but the Committee thought the machinery too complex, and they set it aside. The right hon. Baronet then brought in his Bill, and that Bill he supported, and as far as he was individually concerned he did not think it would be injurious to property; but he found that great dislike existed towards it in Ireland, and that scarcely any was inclined to accept it. Many said it was contrary to all principle, and as it did not include compensation for improvements in the soil, others said it was worth nothing. The right hon. Baronet brought forward his Bill in the belief that it would be of use, but it had been ultimately rejected in the House of Lords. The question, then, was—the two Bills being considered a fair settlement of the question—Government having endorsed and adopted them in two Sessions—the Bills having passed through Committees of their own nomination in both Houses—he having given his co-operation, because invited to do so by Government—and having not the slightest reason to expect but that the two Bills would be passed, the question was, whether under all these circumstances the Government were justified in having at the last moment thrown these Bills overboard for the reason given by the right hon. Baronet? And he fearlessly put it to the Committee and country to decide, whether his conduct had not been consistent, and whether they who had thrown up the whole question at this moment, after so much had been done, were the parties deserving of praise or censure? He believed honestly that it was only holding out a delusion to the farmer tenants to encourage them now to look forward to the passing of this rejected Bill. Had he foreseen what was to be the result of the matter, he certainly would have taken no part in the question. The course adopted by Government would only invite further agitation hereafter, and keep the minds of the tenantry of Ireland in an unquiet state of expectation; that was not just to them, nor honourable and candid to him. It was always his wish and desire, whatever might be the difference of political opinion, to be on terms of good feeling with all parties, but under the present circumstances he thought he had a right to complain of the manner in which he had been treated, and the unjustifiable course pursued towards him by the Government.

SIR JOHN YOUNG said, it appeared to him that the right hon. and learned Gentleman made his complaint upon two grounds. The first was, that he had not been treated fairly—that he had not been honourably treated by him; and the second, that the postponement of these questions was not, under the circumstances, wise and judicious, and was likely to lead to evil. Now, with respect to this last point, it was clearly a matter of opinion to be decided on by every one according to the facts to be brought before them; but with respect to the right hon. Gentleman's first ground of complaint—that he had not been treated fairly by him—all he could say was, that if the right hon. Gentleman thought he had not been fairly treated, he very much regretted it. But he would recall to the right hon. Gentleman's recollection the circumstances under which he had spoken on Tuesday last. He had pressed the noble Lord the leader of the House to give the right hon. Gentleman a day for proceeding with his Bills, and finally Tuesday last was fixed. He (Sir J. Young) then came down, having heard that considerable opposition would be offered to the Bills. He had, in fact, a fortnight ago stated to the right hon. Gentleman his fear that they would be met with strong opposition. At that time, however, he certainly had had no idea of the strength of this opposition; he had thought that the opposition would have soon died away, but on Tuesday, as would be recollected, Mr. Bouverie had scarcely taken the chair in Committee before the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) rose to propose that he should report progress; and the hon. and learned Gentleman was followed by a number of other Members on that side of the House, who were generally supporters of the Government, and who repeated in public the statements they had made in private—that they one and all opposed further proceeding with these Bills during the present Session, and stating their wish that they should be postponed in order to allow of its due consideration by all parties in Ireland. That wish was also expressed with equal emphasis by more than one deputation which came from Ireland, and it did not seem very unreasonable. Last year these Bills were brought forward, and met with strong opposition in the House of Lords, and were postponed in that House; this year, parties who were supposed to represent the tenant interest one and all prayed for the postponement of the measures, in order that they might have time to consider them, and see whether they would or not accept the propositions that were made by those who might be considered representatives of the landlords. There were two perfectly distinct phases of opinion under the guise of tenant-right agitation in Ireland—one to a certain degree fair and reasonable; the other wild, visionary, and unpracticable. There was one set of political agitators who aimed at no agricultural improvement, whose only object was merely to keep alive the cry at elections, and to place the tenants in a position of independence of their landlords, so that they might be enabled to vote against them. Another class based its views upon a real desire for agricultural improvement, and in that view insisted on the right to compensation for improvements actually made by the tenant, as in Ulster. It appeared to him impossible for human ingenuity to devise a scheme that would unite the allegiance of two parties with views and ends so different; but every one with whom he came in contact, as representing either the one or the other party, had begged for the postponement of the legislative measures, in order that the propositions of the House of Lords might be duly considered. The question was, how far he was precluded from entertaining this request. The right hon. Gentleman said they were the Bills of the Government. Either they were so, or they were not. Supposing they were, was not Government at liberty to deal with them? If they were, then he dealt with them as the Bills of the Government, and it was their judgment that, with a view to the final settlement of the question, a postponement should take place, and that time should be given to those representing the tenant interest to consider fully their own position, and the state of opinion both in Parliament and in the country, in order to see whether they could agree upon reasonable terms. Supposing the Bills were not Government Bills, what was there unfair or dishonourable in his tendering his advice to the person who had charge of them not to press them on at present? He did not act with a view of exciting agitation, or of keeping open a difficult question; but, on the contrary, he believed that the time given by the recess for consideration would facilitate the settlement of the question. He did not believe that the tenant class in Ireland were so easily misled as to be induced to suppose that this question could be carried against the public opinion of England, against the unanimous voice of the House of Lords, and when in that House it had been found difficult to get a small majority to carry the moderate proposition of last year. He was convinced that the postponement of these Bills, so far from keeping the question open, would turn to good account, and would lead to its being satisfactorily adjusted. He was ready fully to admit that the right hon. Gentleman had all along bestowed the greatest pains upon this subject, and that he had acted towards him (Sir J. Young) with the greatest courtesy; but the view which the right hon. Gentleman took was, that he was to act for both parties. Surely it was not acting for both parties when there were men interested on both sides who broadly declared that they would not accept this settlement of the question as at present advised, and asked for time till next Session to consider the subject fully? That was a fair proposition, and one that he was bound to accept. He did not know that he could say anything more in defence of the course which he had pursued, except to repeat that either these were Government Bills, or they were not. If they were Government Bills, he had surely a right to deal with them, and he thought that, under the circumstances, the wiser course would be to postpone them;—and if they were not Government Bills, surely he had a right to advise their postponement. With regard to the Bills themselves, what were they? The Leasing Powers Bill was an enabling Bill, giving to landlords the power of making leases which should be binding on their successors, and the other, the Landlord and Tenant Bill, was a consolidation of the existing laws, and, as he had been informed, a very good consolidation, but neither one nor the other contained any element for the final settlement of the landlord and tenant question. Representations had been made to him by persons who represented, he believed, the tractable and industrious tenantry of Ulster, that the retrospective clause in the Landlord and Tenant Bill would leave the tenantry of Ulster in a worse position than if no such clause existed. The complaint made by those persons was, that owing to the custom of the country, upon the faith of which the tenantry had laid out large sums of money, the tenant was supposed to have some claim to a renewal of his lease, and they wanted validity to be given to that custom. That custom went beyond the retrospective clause of the Bill, for the Bill said that a tenant should have an interest in improvements which he might make, but that that interest should cease after the lapse of twenty-one years. Now, in Ulster, it had never been the habit to lay out money when the tenure was so short as twenty-one years, so that this clause would not be of as much advantage to the tenantry as the custom at present in existence. He questioned if any Gentleman in that House would take a farm and lay out 200*l*. in improvements if he lost all interest in them in twenty-one years. That was what the clause proposed, and the tenantry of Ulster said that they would be placed by it in a worse position than they were at present, for, although their custom was not imperative, it was so sanctioned that, in reality, they received more than this Bill would give them. When such persons came to him and made these representations, and when deputations came to him, as he understood, from the respectable tenantry in different parts of Ireland, surely it was not unreasonable in him on that ground alone to have urged the House not to pass these Bills during the present Session? On the other hand, on Tuesday four hours were occupied in advancing a single clause of the Bill, so that, supposing these Bills, which had gone through a Select Committee of that House, which had been for about two months before a Select Committee of the House of Lords, to have been debated clause by clause in that House, he would like to know to what date the Session would have been protracted to pass them? There was one other position taken up by the right hon. Gentleman which was, that he (Sir John Young) should be allowed the conduct of these Bills with the proviso that he was not to make any alteration in them. If he had the responsibility of these Bills—and he was quite willing to take it — although he did not wish to detract from the merit due to the right hon. Gentleman for his attention to this subject, still he was bound to state his conviction that the best course to be pursued was to postpone these Bills to next Session, and then to take them for what they were worth. If anything were to be superadded to them to meet the demands of the tenants, that would be a separate and distinct question, which might be dealt with in time to come; and he did not believe that any difficulty would be added to the final settlement of the question by having given to the tenantry time fully to consider the subject. He thought if any man had been aggrieved in this matter, he (Sir John Young) was the party, and not the right hon. Gentleman. On Tuesday last the noble Lord the Member for Coleraine (Lord Naas) got up and asked what course the Government proposed to take with regard to these Bills. He (Sir John Young) was "discourteous" enough not to make any answer. Shortly afterwards the hon. Member for Donegal (Mr. Conolly) rose and urged the Government, in no very polite terms, to state what they intended to do. He (Sir John Young) still remained silent. Hon. Gentlemen opposite then put up another hon. Member to ask the same question. Then it was, being so pressed, that he stated that he thought it would be better, under the circumstances, not to proceed with the Bills during the present Session. Therefore, instead of the right hon. Gentleman (Mr. Napier) being the aggrieved party, he (Sir John Young) thought that he himself was the party aggrieved. He believed if the question had been left to the right hon. Gentleman himself no more would have been heard about it, but a noble Lord in another place on the same evening referred to the subject. He had reason for that supposition, because on the 26th clause of one of these Bills he had proposed an important Amendment, which the right hon. Gentleman at first would not hear of, but which, after a few days' reflection, he had adopted and embodied in the Bill. That showed what was the result of reflection with the right hon. Gentleman, and he was persuaded that in this case reflection would have produced the same effect. He should be sorry for anything to occur to interfere with the courtesy and good feeling which had always existed between the right hon. Gentleman and himself; but he thought that it would have been well if the right hon. Gentleman had taken more time for consideration before making this attack upon him. He (Sir John Young) repeated that he was the aggrieved party; he had treated the right hon. Gentleman throughout with uniform courtesy and with perfect fairness, and the only return he had had from him was, several very cavilling observations and perfectly groundless accusations.

LORD JOHN RUSSELL said, that in the ordinary course of proceeding, the Landlord and Tenant and the Leasing Powers Bills would not have come under discussion at this time; but when he heard that the right hon. and learned Gentleman had a personal complaint to make against the Government, having great respect for the right hon. Gentleman, and not wishing the Government to remain under that imputation without an opportunity of explanation, he had consented that the charge should be made and the explanation given at the commencement of the sitting that evening:—and he had done so at some sacrifice, because there was a Bill which stood next, of which he had charge, and which it was important to proceed with. He would now submit, therefore, to the Committee that, the right hon. Gentleman having made his charge as fully as he wished to make it, and his right hon. Friend having made his explanation, this matter should not be pressed further. ["Hear, hear!"] If any hon. Gentleman said it was his wish that the debate should go on, certainly he (Lord J. Russell) had no power to prevent it; but in that event it would assuredly prevent him showing any similar courtesy again. What he should now propose would be, that he should move to report progress. The Bills would then remain in the possession of the House; the right hon. Gentleman might afterwards, before the close of the Session, if he thought fit, move that they be brought forward in Committee; but in that case his right hon. Friend (Sir J. Young) would move that the Chairman report progress, with the view of proceeding no further with them in the present Session. He believed that the whole of this misunderstanding had arisen from a misinterpretation of a few words which had fallen from his right hon. Friend on a recent occasion. The right hon. Gentleman said that his right hon. Friend (Sir J. Young) had stated that he would not propose these Bills, and the right hon. Gentleman founded a good deal of argument upon that remark. Such a statement would certainly be inconsistent with the course which the Government had taken in either House of Parliament, and inconsistent with what his right hon. Friend had said and done in that House. But what his right hon. Friend said on the occasion in question was, that he thought it right not to press these Bills during the present Session. Now, between the words "propose" and "press" there was great difference. He (Lord John Russell) was not present on the occasion, but he understood that "press" was the word which his right hon. Friend used, or meant to use. Be that as it might, however, looking at the progress they were likely to make with these Bills before the close of the Session, and considering that so many hon. Gentlemen objected to them, he (Lord John Russell) thought it would be inexpedient to proceed further with them for the present.

MR. WHITESIDE said, the noble Lord would agree with him that they who represented the opinions of Ulster in that House would be condemned in the eyes of their constituents if they had not elicited from the Government what their intentions were in reference to that the most important question that affected their country at this moment. The complaint that he had to make against the Government was of a breach of faith. That accusation at least had the merit of being short and distinct. The right hon. Gentleman (Sir J. Young) had complained that he was the aggrieved party, if any, in that it was not until he had been pressed by several hon. Members on Tuesday last that he disclosed the intentions of the Government as to the measures in question. It was perfectly true, as the right hon. Gentleman had stated, that he was greatly indisposed to respond to the questions then put to him; but he (Mr. Whiteside) had not been five minutes in the House on Tuesday before he was told by an hon. Member that he would find, from the tone of the speech made by the hon. and learned Gentleman the Member for Kilkenny (Mr. Serjeant Shee), that these Bills would be abandoned by the Government. He was told that by an experienced Member of that House, who well understood the by-play of the Government. It was of that that he (Mr. Whiteside) had now to complain. Nothing could be more courteous and kind than the conduct of the Government in the other House of Parliament in regard to this question. The other House of Parliament, through the intervention of the Ministers there, threw out one of the three Bills—a circumstance which the right hon. Gentleman (Sir J. Young) pretended was the reason why they should not proceed with the two remaining good Bills which he (Mr. Whiteside) for his country should pass into a law. What was the language used on Tuesday by the hon. and learned Gentleman (Mr. Serjeant Shee)? "Here is a code," said he, "to which the Government are pledged, one Bill a very good Bill, another a very good Bill, and a third my own Bill, much better than either. I cannot accept these two good Bills, which are calculated to tranquillise the country." He, and those acting with him in this matter, did not represent the counties of Tipperary, Kilkenny, or Clare, where there were very few improving tenants, but they sat in that House representing the industrious population of a province in which tenant right was a matter of the last importance. He said that these Bills had been sacrificed by the right hon. Gentleman to gain a certain support in that House, and that he and those with whom he acted were astonished at the course taken by the right hon. Gentleman, and quite as much pained as surprised. Now, whatever might be said of the legal reforms of the Lord Chancellor, he never heard any one doubt his Lordship's veracity. What did the Lord Chancellor say when this subject was under discussion in the other House? He said—

> "The true mode of legislating on this subject, as well as the most safe and efficacious, was to give the greatest facilities for contracts, and the greatest facilities for enforcing them. When that was done by Parliament, Parliament had done nearly all which legislation could effect."

Then, with reference to the third Bill, he said—

> "The question of retrospective compensation stood on a very different footing, and he confessed he looked on that portion of the measure with some trepidation."—[3 *Hansard*, cxxxi. 50.

On the first night these Bills were introduced into the other House these were the opinions expressed by the Lord Chancellor; and, after that, did any one doubt that the third Bill could never be passed into a law? And what did the Duke of Newcastle, who introduced the Bills, say? The noble Duke was a War Minister now, but at that time he was a Minister of peace. He said—

> "They would refer these three Bills to a Select Committee, in order that men representing all parties in Ireland might combine, and, if possible, come to some conclusion, aye or no, on the question of compensation to tenants. He could not but believe, with respect to two of the Bills, that, under the superintendence of noble Lords in Committee, they would be made sufficient for all purposes and most invaluable to Ireland."—[3 *Hansard*, cxxxi. 28].

Yes, those Bills were most invaluable to Ireland. Did the noble Duke know what one of those Bills did? Why, it enabled any person or corporation under disability, to make leases precisely, as the Lord Chancellor said, in the direction in which Parliament might safely walk. And it was not merely an enabling Bill, but it was a remedial one also, for it provided means for the future of obtaining compensation for all rational improvements. It carried out what was reasonable and right, and what was approved by the Ministers of the Crown. If the right hon. Gentleman (Sir John Young) was opposed to retrospective compensation, why could he not have had the manliness to say so at once? The right hon. Gentleman had endeavoured to place the House in a dilemma by saying that these Bills were either Government Bills or not; but he (Mr. Whiteside) did not think that a Minister of the Crown, or a Gentleman holding the position of the right hon. Baronet, could safely speak as he did on Tuesday, and then use that language. The right hon. Gentleman in his (Mr. Whiteside's) hearing said distinctly that these were not Government Bills; and he said because they were not Government Bills he could justify the conduct he had pursued towards them. When, however, they turned to the language used by Ministers in the other House, they found they were treated as Government Bills. He (Mr. Whiteside) would tell the right hon. Gentleman why he was called on to justify the conduct pursued by him on this occasion. It was because Her Majesty's Ministers, consisting individually of many talented men, were, as a Coalition Ministry, without consistency, without principle, and without a policy. After what had taken place, the right hon. Gentleman and the other Members of the Government might rest assured that ere the next winter was past the Tenant League agitation would be again renewed in Ireland, and that men, having no interest in the soil of the country, would recommence their criminal tactics of agitation, and, in order to gratify a criminal ambition, disturb the peace of the country in the vague endeavour to obtain some visionary advantage for others and themselves. It was true the hon. and learned Gentleman the Member for Kilkenny (Mr. Serjeant Shee) made a long speech on Tuesday; but had he not a right to make a long speech? It was equally true that he praised the right hon. Gentleman (Sir J. Young); but the moment he (Mr. Whiteside) heard the panegyric, he saw the fate of these Bills. What was the result? The hon. and learned Gentleman might retire from that House satisfied that, because he had aided the right hon. Gentleman in defeating two useful Bills, it was in the power of that indefatigable party with whom he was identified, not only to defeat Bills of a certain kind, but to defeat every Bill, and to become the rulers of the British Senate. He (Mr. Whiteside) believed these to be good Bills—he believed them also to be Bills calculated to give great satisfaction to the country; but because they were likely to give satisfaction to Ireland, the hon. and learned Gentleman would not allow them to proceed, lest some cause of agitation should not remain among his unfortunate countrymen, by means of which men, when they ceased to be agitators, might sink down into contented placemen.

MR. J. D. FITZGERALD said, that he was not aware that there sat on that side of the House any Members of the Tenant League, though there were on the other side several Members connected with the League, with whom the hon. and learned Gentleman frequently had the satisfaction of voting in the same lobby. The hon. and learned Gentleman had accused the Government of a breach of faith and an abandonment of principle — language that could only be justified by the most extreme necessity. The observations of the hon. and learned Gentleman led to the inference that the Government had abandoned these Bills, not because they were bad Bills, or because they were not calculated to benefit the country, but in order to catch votes, and to gratify a particular party in that House. But what took place on Tuesday night? Not alone the hon. and learned Gentleman the Member for Kilkenny, but the hon. Gentleman the Member for Wexford (Mr. M'Mahon), whom no one would accuse of being a supporter of the Government, and several Members on that (the Ministerial) side, pressed upon the right hon. Gentleman the inexpediency of proceeding further with these Bills during the present Session. When the Bills were introduced into that House, they were, along with a Bill of the hon. and learned Member for Kilkenny, referred by the Government to a Select Committee. He might remind the hon. and learned Gentleman (Mr. Whiteside), that two days afterwards, the Earl of Derby, then at the head of the Government in the other House of Parliament, in reply to a question put to him, denounced one of these Bills that had been sent to the Select Committee as communistic and as intended to confiscate property. He (Mr. FitzGerald) had always been an advocate of the tenant interest, but he unhesitatingly stated that those Bills which came from the Lords, though they contained much that was unobjectionable, would not have been satisfactory, and that the passing of the two Bills alone, now before the House, would have been the very means of producing agitation. He lamented that a whole evening was likely to be taken up in discussing a mere personal grievance of the right hon. and learned Gentleman (Mr. Napier). The hon. and learned Gentleman (Mr. Whiteside) had said that the passing of the Bill would have ruined certain gentlemen, and destroyed their political capital; but, so far from anything of the kind taking place, he (Mr. FitzGerald) believed it would have increased agitation. They had all considered this question together, and there appeared to be concurrence of opinion on it in all parts of the House, amongst those who represented Liberal constituencies in Ireland. They made an appeal to the right hon. the Chief Secretary for Ireland that the Bills should not be pressed forward in their present shape until the Compensation Bill; and the right hon. Gentleman (Mr. Napier) now complained that a personal grievance had been inflicted upon him because at their united request that course was adopted. He (Mr. FitzGerald) recollected that when the right hon. Gentleman introduced these Bills, he said that the measure that was called his Compensation Bill honestly carried out the intentions of the Devon Commission. The right hon. Gentleman was ready to use the word honesty on all occasions, and no person doubted him; but he (Mr. FitzGerald) would wish that the word was less frequently used. The Bill carrying out the recommendations of the Devon Commission was abandoned, and now they were told by the right hon. Gentleman that the other measures would be satisfactory to the tenants. The other measures, without the Compensation Bill, would not be satisfactory, and for that reason, and that reason only, they had pressed upon the right hon. Gentleman the Chief Secretary to withdraw those Bills. At twenty minutes to four o'clock on Tuesday he consented to withdraw them, and that was really the only cause of complaint which the right hon. Gentleman had against the representative of the Irish Government in that House.

MR. LUCAS said, he certainly did not expect or wish to take any part in the very pretty quarrel that had arisen between the right hon. Gentleman on the one bench and the right hon. Gentleman on the other. He had nothing to do with their refinements or quarrels, provided they confined them to themselves, but they had both gone out of their way to attack others who were not mixed up with the dispute. The right hon. Gentleman who made the first statement, and the hon. and learned Gentleman near him, and the right hon. Baronet, all spoke of a party connected with the discussion of this question in Ireland as making use of the grievances of the tenants for the purpose of keeping up political agitation, without having the smallest notion of procuring a redress of the grievances of the tenants. The right hon. Gentleman on that side of the House went beyond the language of the right hon. Baronet opposite, and said they were obstructing the course of legislation on the subject, and that some proceedings should be taken to put down the course they had pursued. He (Mr. Lucas) was astonished to hear the right hon. Gentleman the Member for the University of Dublin use that language. The right hon. Gentleman had forgotten what had taken place, or he never could have uttered the words that fell from his lips. They had had only one discussion on the subject in that House during the present Session. Last Session the subject underwent long and mature consideration, and at the close of the Session he (Mr. Lucas) received in the lobby the thanks of the right hon. Gentleman for the facilities which he (Mr. Lucas) had afforded for the settlement of this business. He (Mr. Lucas) had also received the same thanks from the right hon. Gentleman publicly in his place, and had received likewise the thanks of the present Solicitor General for Ireland in the other "lobby." Where, then, was the obstruction on his part? He had not opened his mouth during the present Session on the subject, and they had had but one discussion upon it, which accidentally took place on the Motion to report progress, after having gone into Committee. But because the right hon. Gentleman, and the hon. and learned Gentleman near him, could not get their views adopted, they had the astonishing presumption to charge a large body of men in that House with being obstructionists, and said they ought to be put down by the power of the Government and of the House. The hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) had made also the offensive imputation, that if the measure was passed, their political capital would be gone, and they would be ruined. But he (Mr. Lucas) would tell him that, so long as he (Mr. Whiteside) remained in that House, with his bigotry and fanaticism, and with the unjust spirit that animated all his proceedings when the religion of millions of his fellow-subjects were concerned—if they had not political capital in themselves—they could never be in want of that which the hon. and learned Gentleman's bigotry and fanaticism would supply. Thanks to the hon. and learned Gentleman's genius for statesmanship, they were not in want of employment, because he and his friends had provided it for them during the present Session. It was not on the land question they were obliged to occupy the attention of the House, but in resisting that most unjust aggression which the hon. and learned Gentleman and his friends had made upon their religion, and which, in spite of his threats, they should always resist with the same firmness and determination as they had displayed in the present Session. He (Mr. Lucas) might have mistaken the right hon. Baronet's meaning when he spoke of those who were making use of this question not to procure redress for a great grievance, but to keep up political agitation. The right hon. Baronet apparently alluded to Members in that House. He (Mr. Lucas) had received, as he already said, the thanks of the Solicitor General for Ireland for his efforts during the last Session to promote the settlement of the question; and when the hon. and learned Member for Ennis (Mr. J. D. FitzGerald) said there was no Gentleman sitting at his side of the House to whom the taunts that were thrown out could apply—when the hon. and learned Member said there was no Member of the Tenant League sitting on the Treasury side of the House—and that consequently all the imputations that came from both sides of the table were to be lavishly distributed amongst the Members acting with him (Mr. Lucas), he (Mr. Lucas) begged to tell the hon. and learned Gentleman that there was one Member from Ireland sitting, not on his (Mr. Lucas's) side of the House, but sitting on the Treasury side above the gangway, in receipt of a State salary as a Member of the Government, and one of the law advisers of the Crown, who was for a long time a member of the council of the League—whose name was on the back of Sharman Crawford's Bill—who publicly professed in repeated speeches throughout the course of a year or eighteen months that he would never accept office, "So help him God," in any Government that would not make that Bill a Cabinet question, and who, having made his political capital out of that agitation, had recanted his professions, had swallowed his oaths, and who ought to have been present on that occasion, when a question of this kind was discussed and imputations of this kind were thrown out from the Treasury benches. That hon. and learned Gentleman now sat on the Treasury benches, and duly earned, and continued to earn, the wages of his extraordinary apostacy. Sitting as that hon. and learned Gentleman ordinarily did, in terms of familiar intercourse with the right hon. Baronet, and being his great helper on that and other questions, it would have been more decorous, and he (Mr. Lucas) would say more decent, had the right hon. Baronet refrained from throwing out those imputations which, at all events, could be proved to be true of no one but his own Colleague. So far as the people of Ireland were concerned, of whatever shade of opinion or class they might be, they would know that the Bills were abandoned, and that legislation on the subject for this Session was at an end. They were not interested in the past except so far as it gave them a light to know the future. They were all, of whatever opinion or class they might be, deeply interested in the future. He had listened with painful attention in the hope of learning from the Government what were their intentions for the future. He had not yet learned their intentions. They had a right to ask, at the end of two Sessions during which this question was carefully considered and discussed, what were the intentions of the Government for the future? Did they mean to take up this question next Session with the intention of making a final settlement of it? Did they intend to bring in merely the two Bills of the right hon. and learned Gentleman without the Tenants' Compensation Bill, the principles of which were sanctioned and affirmed by the House? He thought the last two hours and a half would have been very ill spent if no additional matter was introduced into the debate, and if they did not receive from the Government a statement that would assure the people of Ireland of what they might expect at the hands of the advisers of the Crown.

Lord JOHN RUSSELL: I do not mean to enter into the personal question, or to attempt to correct the misapprehension of the hon. Gentleman who has just sat down, or to explain the words which have been imputed to my right hon. Friend near me; but the questions which the hon. Gentleman asks as to the intentions of the Government with regard to this important subject, though it does not require any detailed answer, yet certainly I think deserves some notice. It has always appeared to me that this question was one of the utmost difficulty in the way of settlement; and I cannot but recur at present to the course I was obliged to take myself respecting it on a former occasion, and which I am sorry to find comes to be very nearly repeated three years after. My right hon. Friend (Sir William Somerville), when Chief Secretary for Ireland, was very sanguine with respect to the settlement of the landlord and tenant question in Ireland, and he introduced a Bill which was referred to a Select Committee. The Select Committee paid very great attention to the Bill, went through all the clauses of it, and amended it. When that Bill came out of the Select Committee my right hon. Friend was in hopes that he might be instrumental in settling a question which was not only a cause of great heartburning, but stood in the way of material improvement. But large deputations came over from Ireland—I saw some of them myself—and they stated that the remedies proposed were of so conflicting a nature that it would be useless for them as tenants to endeavour to take advantage of them, and they requested that the Bill might be abandoned. Upon examining the Bill I could not but see that there was great justice in their representations, and their observations led me certainly to take a very desponding view with regard to the settlement of this question by mere legislation; because I think in attempting to settle it by legislation you are between these two dangers: if you attempt to make your remedy exceedingly simple, you depart from the course of justice—you either impose upon the landlord or upon the tenant burdens which you have no right to charge upon him—you interfere with respect to contracts in a manner in which legislation ought not to interfere—you deprive a man who has property in land of the right of exercising the rights of property, or else you give to the tenant a very insufficient and delusory remedy. On the other hand, you may, as was stated by those deputations from tenants, make the process so difficult and so dilatory that they would not take any advantage from it. So that certainly I came to the conclusion, which I stated in this House, and which was the subject of so much attack, that it was useless to go on and endeavour to fix by legislation the precise mode of contract, which was only likely to be beneficial if it were carried into effect by good faith, confidence, and liberality on the side of both landlord and tenant. If you go on the presumption that the landlord will use all his powers as a landlord and all which the law gives him to oppress his tenant, and that, on the other hand, the tenant would endeavour as much as possible to cheat the landlord out of his rights of property—if you go on that supposition, you can never arrive at a satisfactory settlement of this question. These were my opinions; others, however, were more confident, and my right hon. Friend (Sir J. Young), who sits near me, was exceedingly confident as to the possibility of making a settlement of this kind; but, above all, the right hon. and learned Gentleman (Mr. Napier), who has made his complaint tonight, was very sanguine about it, and gave himself very great pains and trouble concerning it. I have nothing to say but what I have always said, that he deserves the highest praise for the attention he has bestowed upon this very difficult question. When the right hon. Gentleman brought forward his measure, and when I heard his explanation of it, I confess—instead of thinking that he did not go far enough—that I heard some of his proposals with some of the trepidation which it appears my noble Friend the Lord Chancellor has expressed. I thought he was going rather too near to those social principles which are somewhat dangerous when introduced into Acts of Parliament. The measure, which was intended to do justice to all parties, was sent before a Select Committee, and that Select Committee adopted the proposals and stipulations with regard to the relations of landlord and tenant. The Bill then went to the House of Lords, where that part of it which was intended for the benefit of the tenant, and to give to the tenant certain rights that were not usually given to him by the law in this country, was strongly objected to by the landed proprietors in the House of Lords, and also by the great law Lords, the lights of that House, who seemed very unwilling to assent to that part of the Bill. They have this year passed a Bill which contains some provisions favourable to the tenants of Ireland, but which does not go to near the extent which the persons holding the opinions I have referred to wish to carry the law. I therefore think it is not unnatural that, when the Bill came down from the House of Lords and was found to be deprived of that portion of it which the noble Duke the Lord Privy Seal told me was calculated to excite discontent and dissatisfaction among those who had hitherto been favourably disposed to pass a legislative measure on the subject, though they could not concur in the extreme position which had been propounded in Ireland upon it, it should have created dissatisfaction among those who hold those extreme views; and here I beg leave to disclaim altogether those imputations which have been thrown upon those hon. Members who have been most extreme in their views upon this subject in opposition to myself. They are men who have evinced the most constant perseverance in urging the claims of the tenantry of Ireland. The most persevering and energetic of them all is a man whose integrity is not to be disputed by any man—I mean Mr. Sharman Crawford—who has come to London for some purpose, and who has expressed his great despondency about the Bill passing this year, but whose anxiety on the subject, and whose views also, I think, no human being can doubt for a moment. No doubt in every party, whatever their opinions,

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political or religious, may be, there are some who look only to their own selfish advantage—I dare say the Tenant League party have men of that kind among them—but as a party, as far as I have known them, I am willing to give them the same credit that I would give to any other party who feel persuaded that their views are consistent with justice, and that the adoption of them would be for the benefit of Ireland. But what is more natural, when a Bill comes down from the other House containing what is supposed to be a settlement of a much-disputed question, but which does not contain any of those provisions which certain parties think essential, that they should protest against it and should say, "If this is passed we shall be told that nothing more can be done by Parliament; we shall therefore make every opposition to this measure?" Though I do not agree in their views, still I think nothing is more natural or more consistent than that conduct. If we had plenty of time and not any other business before us, I think it very possible that one of these Bills might have been amended, and that the clauses might have been so altered as to admit of the Bill being sent up to the other House of Parliament, and of their agreeing to a measure which would have given satisfaction generally to the tenantry of the North of Ireland. The House of Lords might have embraced that proposition or have rejected it; but it is obvious that at the present period of the Session it would be impracticable to go through the immense number of Amendments which have been suggested. With those Amendments and the new clauses which would be proposed, it is obvious that, with the business still remaining to be done, the House would have to sit for two or three months longer in order to get at the end of such a question. I therefore come to the conclusion—unwillingly, I confess, for I should have been disposed to agree with my noble Friend in the other House of Parliament, that it would have been desirable to pass this Bill if the time had permitted—but I come to the conclusion that it is hopeless to attempt during the present Session to effect a settlement of this important question. Whether my right hon. Friend the Secretary for Ireland is right in supposing that during six or eight months' further deliberation the whole substance of these several Bills may be contained in one Bill, or may still be presented in separate Bills, it is impossible for me to say. If there is a disposition shown on the part of those who take an active interest in this question to the production of one legislative measure on the subject, I quite agree that whether the Bill which is called the Tenants' Compensation Bill be contained in the Landlord and Tenants' Bill, or be in a separate Bill, is a matter of immaterial importance. But I own, if we find that the question is still a subject of so much passion that no disposition exists to agree to a Bill to the extent of that which we have now before us—namely, the Bill which is called "the Landlord and Tenant Bill"—then it would be almost useless to attempt to enter upon a consideration of the subject. There is one thing which the Lord Chancellor is reported to have said, and which was quoted by the hon. and learned Gentleman—namely, that the best thing to be done upon this subject was beyond all question that which I think no one will dispute, and that which my noble Friend (the Marquess of Lansdowne) has always contended for—that you should endeavour to make your law as perfect as possible with regard to voluntary contracts; that the tenant on entering upon the land should have the means of knowing perfectly what he has covenanted to do, and what his rights are. When that contract is made, there should be a simple mode without delay or expense—which in itself is perfectly practicable, and is in fact contained in this Leasing Powers Bill—by which the tenant may enforce his rights. I must own that the Leasing Powers Bill appears to me to be a most excellent Bill, and one which I hope will enter into our legislation hereafter. The hon. and learned Member for Enniskillen (Mr. Whiteside) has made use of some very hard words against the Government on this subject. I do not wish to refer to the history of the conduct of the Government to which he belonged with respect to this question, nor will I refer to the speculations that were made here with respect to the second reading of the Bill of the hon. and learned Member for Kilkenny (Mr. Serjeant Shee), which was always opposed by us. I will not use any hard words; I think it much better not to enter into any rejoinder upon this subject, the difficulty of which is sufficient of itself to engage our attention, but it is enough to show that one party is as vulnerable as another on the subject. The subject being in itself a difficult one, there was some consolation to be derived from the statement made by the hon. and learned Member for Kilkenny on Tuesday last, when he proposed the postponement of the Bills. I understand that the hon. and learned Gentleman stated, as one reason why it would not be necessary to settle this question at the present time, that there was a better state both of material prosperity and of feeling in Ireland, and that he did not think any angry contest could be created by postponing this question. Such a statement, when coming from one who has been always arguing for the immediate settlement of the question, is very satisfactory. I have seen a gentleman to-day, an old friend of mine, and a man who has much property in Ireland, and he entirely confirms the statement of the hon. and learned Gentleman. He told me that he has never known a time when the landlords and tenants of Ireland were on better terms together, and that the state of Ireland was very greatly improved. I may add to this statement, that I have within a few days received a private letter from the Lord Lieutenant of Ireland, in which he expresses his satisfaction, both at the state of peace and tranquillity which prevails in that country, and the general good feeling that exists among all classes. I therefore hope that there may come a time when these Bills may be considered with greater dispassionateness and deliberation than they have hitherto been. It is not altogether a work of legislation. Much depends on the conciliatory disposition of the parties between whom the contest at present prevails. I do hope that the extreme views of both parties will be modified. I hope the views of those who ask that the rights of tenants shall be carried beyond what is reasonable, and of those who are for the maintenance of the rights of property and of landlords in such a way as works inconvenience and hardship to tenants, may be modified, so that at last we may arrive, if not at a perfect mode of legislation, yet at least at an attempt at some very useful and happy enactment upon this difficult, long-pending, and important subject.

MR. MAGUIRE said, that if the Government were sincere in their desire to settle this question, they had adopted a very curious and unsatisfactory mode of accomplishing that object. If they had been sincere, they would not have adopted the Landlord and Tenant Bill, which only made the law more stringent, and adopted it as a Government measure, only with the view of abandoning it. He believed that the declaration just made by the noble Lord would be a death-blow to the hopes of the tenantry of Ireland, who would remain in this country if there was hope of a fair settlement of this question, but who would now leave the country in increased numbers to swell the greatness and increase the prosperity of a foreign land. The fact was, the Government had not the courage to make a fair and honest Landlord and Tenant Bill a Cabinet question, and until they did so they would never carry a measure that would settle this question. He threw back with contempt on the right hon. Gentleman the taunts he had thrown out that they were making political capital out of the question; every man in Ireland was interested in the settlement of this question, and let it not be said that a man was not interested because he had not a large estate and a great number of tenants. He wished to God the Government had had the power and the candour to have carried, at the commencement of the Session, some satisfactory measure which would have stopped the bleeding wounds of Ireland, and stayed the tide of emigration which was now desolating her shores. With regard to the obstruction which it was said he and his Friends threw in the way of the Bill last year, he would say that some of the Irish Members abstained from discussing the Leasing Powers Bill last Session, because the Irish Solicitor General warned them that a long discussion of the measure might imperil that Bill. It now appeared, from the speech of the noble Lord the Member for the City of London, that there was no hope of the Irish tenantry obtaining justice from the Government with respect to the improvements they might effect upon their lands. The Government, after all their promises, now showed that they had only been trifling with the Irish tenants. A meeting of Irish Members of Parliament took place in Dublin some time ago, at which fifteen of them resolved that they would support no Government which would not make a Bill containing the principles laid down by Mr. Sharman Crawford a Cabinet question. But the present Government had not made, nor had they promised to make, a Bill of that sort a Cabinet question. In compliance with that resolution some of the Irish Members now sat on the Opposition side of the House; and he did not think that their speeches or votes were open to the imputations of the hon. and learned Member for Ennis.

MR. J. D. FITZGERALD said, he had never taunted the fifteen Irish Members alluded to with respect to their speeches or votes in that House. [Mr. MAGUIRE: You did so three times.] As for the hon. Member for Dungarvon (Mr. Maguire,) he had distinctly congratulated him on the distinguished company which he kept in that House. He had said that that hon. Member went into the same lobby with Mr. Disraeli, against the proposition that the Catholic juveniles of London who would come under the operation of the Middlesex Reformatory Schools Bill should be instructed on Sundays by Catholic priests. He had also said that the hon. Member for Dungarvon was to be found in company with Mr. Whiteside, who had the hardihood to assert in that House that a portion of the Irish Members were keeping up agitation in Ireland for their own purposes. He (Mr. FitzGerald) was present at the meeting of forty-one Irish Members alluded to by the hon. Member for Dungarvon, but he had the good sense not to concur in the resolution of fifteen of them, who pledged themselves to oppose every Government that would not adopt Mr. Sharman Crawford's views on the landlord and tenant question.

MR. POLLARD-URQUHART rose, to express his regret at the speech just delivered by the noble Lord the Member for the City of London, and at the refusal of the Government to secure to the tenantry of Ireland a measure that would secure to them compensation for any improvements that they might effect on their farms. It would be in the recollection of some hon. Members, that in the year 1845 Sir Robert Peel said, he could hold out terms of bold defiance to the American Government on the Oregon question, because he had just sent a message of peace to Ireland in the shape of the Maynooth College Act. And was there less reason for sending a message of peace now to Ireland when we were engaged in a war with a man who ruled the sixth part of the habitable globe, and who was defended by granite fortifications and tempestuous seas? It was true that Ireland was at present perfectly quiet. She was never more free from sedition or agrarian outrage; but he warned the Government that the people of Ireland had discovered a far more effectual and dangerous way of embarrassing them than by sedition or outrage — namely, by availing themselves of the enlarged constituency, which gave them a greater means of acting on their representatives than they had before possessed. By that agency the Irish tenantry could put the screw upon their representatives in that House, and compel them to embarrass the proceedings of any Government that would not do justice to Ireland. He would ask, were not the people of Ireland justified in the view they had taken of this question, when four millions of tenants in Ireland were deprived of those securities which were possessed by almost every tenant in every other part of Europe, and which were absolutely necessary to the due development of industry? Did the Government think that the cottier tenants of Ireland would quietly submit to be taxed for the keeping up of expensive armaments to carry on distant wars, in which they had no personal interest, if the Government did not do everything in their power to secure to them the enjoyment of those rights which were enjoyed by almost every tenant in continental Europe, and to which they were fairly entitled? What interest could the Irish tenantry take in our national glory as long as they were denied their honest rights? The noble Lord in 1846 turned out the most eminently practical and successful Ministry of modern times, because they did not bring forward measures of conciliation for Ireland; and he asked, did not the conduct of the present Government justify the people of Ireland and their representatives in pursuing what was termed an obstructive course? Was it nothing that the continued denial of these rights was driving thousands of the Irish tenants to America, upon whose shores they landed with feelings of bitter indignation against the English Government, whose injustice compelled them to seek new homes. Was it not most impolitic in the Government to do anything which could have the effect of raising up a foreign Power with feelings of hostility against England?—and that they were most assuredly doing by driving away their fellow-subjects to America, where they would become England's bitter enemies. Our relations, even at this moment, with America, were not of so pacific a character that we could afford to lose our Irish fellow-subjects, with the strong probability of their becoming our American enemies. He earnestly entreated the Government, as they valued their future prospects in these arduous times, to show themselves willing and anxious to do equal justice to every section of their fellow-subjects in the United Kingdom.

SIR **ARTHUR BROOKE** did not wish to deprive tenants of any privileges which the legislation of that House might justly confer upon them, but he believed that no Bill with reference to this question could be proposed which would not be a direct infringement of the rights of property. The tenants of the North of Ireland would suffer materially if any of the Landlord and Tenant Bills that had been proposed in either House of Parliament should pass, because they already enjoy greater privileges than any contained in those Bills. If a Bill were passed, the northern landlords would abandon their present system, and give their tenants no more rights than those specified in such Bills, and the consequence would be that many tenants would be subjected to great sacrifices. He believed the Chief Secretary for Ireland had misunderstood the remarks of the right hon. and learned Member for the University of Dublin (Mr. Napier), who complained not so much of the withdrawal of the two Bills which he had prepared, as of the want of courtesy manifested towards him in not communicating with him upon the subject. He (Sir A. Brooke) hoped that the Tenant Leaguers would abstain from agitating Ireland on this question during the next Parliamentary recess. The Irish people were now in a better condition than they had been for some years. All parts of Ireland were in a satisfied state, and he hoped that no inflammatory harangue would be addressed to them on this question by those gentlemen who had heretofore conducted the affairs of the Tenant League.

MR. **POTTER** said, he believed it was true that considerable sums of money were laid out in the North of Ireland on the land; but in the south, which was in a very different condition, both politically and otherwise, the tenants had not dared to lay out their money on the land; and the event showed they had reasoned correctly, for at one period a meeting—not an open, if not exactly a secret one—had been held at Dublin, at which the landlords resolved to grant no more leases to the tenantry. While this state of things lasted, there would be no development of industry. He appealed to the right hon. Baronet the

Chief Secretary, whether it was not the fact that millions of money were now lying unemployed in the Irish banks, simply because the tenants were afraid to invest it in the improvement of their land. Under these circumstances he regretted that the noble Lord had held out no hope of some measure for the protection of the tenants.

Mr. DISRAELI: Sir, I cannot allow this conversation to cease without making one or two observations with reference to my right hon. Friend near me (Mr. Napier). I observed with great regret that some doubt has been attempted to be thrown upon the sincerity of my right hon. Friend the Member for the University of Dublin in undertaking the consideration and conduct of this question in Parliament. I can easily understand that to a gentleman of such great susceptibility and such high sense of honour as my right hon. Friend such an imputation must be extremely painful; and being perfectly well acquainted with the conduct of my right hon. Friend in this matter from first to last, and knowing how single-minded it has been in every respect, I think I should not be doing my duty if I did not express my opinion upon this subject. Sir, long before my right hon. Friend introduced this question to the notice of Parliament—nay, long before he even imagined that he should have the opportunity of introducing it in a responsible position—he conferred with me in the most confidential manner on the subject, and intimated to me that it was a question which a public man, who aspired to take any great part in the conduct of the affairs of the country, could not safely neglect or evade. He placed under my notice the labours of Mr. Fergusson, who has been so often referred to to-night, and his own part in those labours, and I am therefore able to speak with some confidence and some authority of the sentiments which influenced my right hon. Friend in dealing with this question. Long after that period accident brought both my right hon. Friend and myself into a position in which our sincerity could be tested on this subject; and it was then that my right hon. Friend sketched those measures which with great elaboration and completeness he afterwards introduced before the House; and I am bound to say that, without having regard to minute details, which under our happy Constitution are always considered and settled by the criticism of the two Houses of Parliament, I myself gave my complete adherence to the general views which my right hon. Friend entertained upon the subject of the tenure of land in Ireland. It was my opinion that it was a question which those who aspired to govern the United Kingdom ought to meet; that it was a question that should be met in the general spirit and scope of the plan which had been sketched out by my right hon. Friend; and I was perfectly prepared to support him in the measures which he proposed for the consideration of Parliament. We have been told to-night that those were measures that it was impossible could be passed through the two Houses of Parliament. Well, Sir, I am not at all of opinion, after they had been subjected to the critical examination of Parliament, and after they had been subsequently submitted to the mature consideration of a powerful Government—I am not at all of opinion that they were measures which would not have been passed, and passed in a manner which, I think, would have contributed to the happiness and well-being of Ireland, and have proved satisfactory to all moderate men of all parties, whether of the landlord or of the tenant class. The Lord President has told us to-night, adverting to the measure respecting tenants' compensation which was introduced by my right hon. Friend—and he sneered at it while he did so—that it contained a communistic sentiment. In my opinion, it did not contain, and had no tendency to, any legislation of that character. There certainly were bold, but wise provisions contained in the measure of my right hon. Friend; but they were restricted with such prescience and sagacity, so prudently and judiciously limited, that the application of those provisions would have been, in my mind, for the advantage of that portion of the United Kingdom. I cannot say the same for the Tenants' Compensation Bill which was produced by the right hon. Gentleman the Chief Secretary of the Lord Lieutenant under the authority of the President of the Council. That was a measure, indeed, which did not include any of those restrictions or prudent limitations recommended by my right hon. Friend—that was a measure, in my mind, which had a communistic tendency—that was a measure, in my opinion, which was open to the great objections which the Lord President urged, although he unfortunately forgot that the object of his criticism should not have been the measure of my right hon. Friend, but rather the measure of the Chief Secretary of the Lord Lieutenant. Well, Sir, it is impossible for us to consider the peculiar subject which is under our consideration to-night without taking a large and general view; we cannot enter now into minute details upon such a subject as the tenure of land in Ireland. The Lord President to-night has told us that the reason why he does not support the two measures which have been brought before our consideration is, that the season is too late, in his opinion, to venture to ask Parliament to go into their consideration. Well, Sir, I am ready to admit that that is a legitimate reason to be offered by a Minister, and especially by a Minister who leads the House of Commons. Whatever may be the causes of the delay, if a Minister finds that at so advanced a period of the Session as the middle of July, an important question is about to be introduced to Parliament, and that there is little prospect of a satisfactory consideration of it—I say that that plea for procrastination is, *primâ facie*, a valid plea. But, before I enter into a discussion as to whether it is a valid plea in this case, let me remind the Committee that it is a plea totally inconsistent with that which was offered by the Chief Secretary to the Lord Lieutenant to-night. The noble Lord tells us that this is an important question, that it is a question of great magnitude, but that we are so advanced in the Session that it is impossible to do justice to it. But what says the Chief Secretary to the Lord Lieutenant? In point blank contradiction to the Lord President he tells us that this question may be one of great importance and of great magnitude, but that it is brought before us in such a form that upon no condition whatever will the Ministry consent to its consideration. [Sir J. YOUNG: I never said that.] You may not have said it in those very words, but I will ask the Committee, was not that the meaning of the statement of the Chief Secretary? If that were not his meaning, the right hon. Gentleman will have an opportunity of telling us what his meaning was; but it is very unfortunate that we should have discussed this question until this hour, and yet not have arrived at what the meaning of the right hon. Gentleman is. I understood the meaning of the noble Lord to be this—it was offered to us with plainness and straightforwardness, and I am sure that I have no desire in any way to misrepresent him—that this was an important question, but that at this advanced period of the Session he could not ask the House of Commons to consider it with any prospect of it being fairly discussed or satisfactorily concluded. What says the Chief Secretary? I understood the Chief Secretary—and of course I am subject to his correction if I mis-state him—I understood him to say, that whether it be February or July, you are asking the House to legislate upon this important subject upon conditions which he considered at all periods to be unacceptable—that you have declined to legislate upon a most important and indispensable portion of the subject, and therefore he cannot agree with you. The Committee can correct me in a moment if I am mis-stating the right hon. Gentleman, and they can decide in a moment whether the statement of the right hon. Gentleman is consistent with that of the Lord President. Sir, I will not dwell upon this flagrant and glaring inconsistency further, though really, so far as the conduct of the business of this House is concerned, the validity of the noble Lord's plea depends upon other circumstances. But I cannot adopt from the Lord President even his undisputed statement. I agree with him to this extent—that if the Session be so far advanced, as undoubtedly it is, it may be inconvenient to enter into a discussion of one of the most important propositions that ever was submitted to the consideration of a British House of Commons; but why have six months been wasted? What have we been doing these six months that we could not consider and attempt to settle a question, not now introduced for the first time, but years ago, to the consideration of Parliament—a question which for a long series of years has been a subject for the consideration and study of statesmen—which, two years ago, was formally introduced to the consideration of Parliament—which was submitted last year to the consideration of the House of Lords—and which, by special arrangement, in order that no time might be lost, has been, with all the fruits of the mature deliberation of the other House of Parliament, sent back to us this year? One would have thought, considering the gravity and all importance of the subject, considering the period of time that it has occupied the attention of Parliament, considering the special circumstances under which, after having been introduced to the notice of Parliament, it was submitted to the maturé examination and settlement of the House of Lords last year—one would have thought after all this, that the House of Commons this year having sat six months, the Government would have been able to have offered some solution of the question. What have they been doing, I want to know? What have Her Majesty's Ministers been doing the last six months that we have not had this question fairly considered and ably arranged? I want to know what is the catalogue of their legislative exploits which may be an excuse for the period of time which has been thus employed or thus wasted? I want to know, if they have been at war, what conquests they have achieved? I want to know, if they have been at peace, what beneficial arrangements—what advantageous legislation—they have accomplished? Have they reformed Parliament? Have they revised Parliamentary oaths? Have they educated the country? Have they even educated Scotland? What corrupt constituencies have they punished? What have they done which may be a valid excuse for not having dealt with this all-important measure? I should have thought that, instead of moving to report progress, it would have been more satisfactory to the country, and more satisfactory to the feelings of any Minister who pretends to lead the House of Commons, if he had given some reason why six months should have elapsed in which they, having done nothing, should not have done this. Report the progress of these two Bills! Why, Sir, it 's too derisive a proposition to be made. Report the progress of the Ministry! Tell us what they have done. Make a Motion to that effect. Report the progress of Her Majesty's Government. Come forward to the table and tell us what Her Majesty's Ministers have done. And that would be a reporting of progress far more edifying and satisfactory, I think, than the Motion which has been made by the Lord President this evening. Well, Sir, if the noble Lord and his compeers have not succeeded yet in dealing with this difficult question—at any rate, vast and difficult as it is, the late Government attempted to deal with it with some efficiency and with all sincerity—what is the prospect which the noble Lord holds out of the future legislation of his Government—if it be a Government—upon this subject? A few nights ago a distinguished Member of the Treasury bench spoke of the conduct of the Gentlemen upon this side of the House—at least, right or wrong, not inconsiderable in number as a party connection, and more important still, in my opinion, for the principles which they profess—he spoke of them as "a party, if they be a party." That was the courteous comment of the Chancellor of the Exchequer. Well, then, I think if we are spoken of as "a party, if we be a party," that I may speak of the noble Lord and his Friends as "a Government, if they be a Government." But, conducting our debates in a spirit thus mutually provisional, I would ask the noble Lord, who tells you he can do nothing at present, whether he will answer the question of an hon. Gentleman who addressed him from the other benches, and who asked what are the intentions of his Government with respect to the tenure of land in Ireland for the future? I think that that was a very fair Parliamentary question. How it was met I leave the Committee to decide. The noble Lord says that it's a difficult question, and therefore we are not to deal with it. My idea, Sir, of a Government is, that it is a body of men who ought to deal with difficult questions. I know that the Lord President, for a number of years, has, somehow or other, contrived to govern this country—personally speaking, I admit, with admirable ability—for he is a ripe scholar, an adroit debater, in my opinion no common orator—still I think that the secret skill of his administration has always been that he has evaded questions that are difficult. But I do not think that that is a satisfactory answer to the Gentleman who addressed that query. The question may be difficult. In my opinion it is very difficult; but I think that it is the duty of the noble Lord and his Friends—especially when I remember the public expression of their sentiments upon the subject of the tenure of land in Ireland in 1846—I think, I say, that it becomes the noble Lord to be something better than a critic upon his opponents on this subject, and that he ought to do something upon the question of the tenure of land in Ireland beyond reading to us passages from private letters from Lord Lieutenants. Why, the noble Lord has never yet had a difficulty upon Irish politics which he has not attempted to answer by reading a passage from a private letter from a Lord Lieutenant. But, says the noble Lord, "I could retaliate upon this subject. I could remind you what occurred when you had to deal with this question. I could remind you of your consenting to the second reading of the Bill of the learned Serjeant, and of the subsequent speeches which were made condemnatory of that measure in the House of Lords by the Earl of Derby." Sir, if the noble Lord thinks that that is a retaliation he is perfectly welcome to make use of it; but knowing that the noble Lord is one of the most adroit debaters in this House, and that if he has a weakness, it is that he always overstates his own case, and always misstates his opponent's, I am quite sure that the noble Lord could have made a great deal of that point if he had not known that it was utterly worthless and untenable. True it is we did consent to the second reading of the Bill of the learned Serjeant the Member for Kilkenny (Serjeant Shee); but did we agree to the second reading of that Bill because we in any way approved of it? On the contrary, we expressed our disapprobation of it. But when there was a variety of Bills in this House upon the subject of the tenure of land in Ireland which were about to be referred to a Select Committee, we thought that it would be most unfair, and not only most unfair, but that it would justly excite great odium and suspicion in Ireland, if we said, "This Bill shall be shut out from the tribunal, and shall not be submitted to that critical, and searching, and impartial examination which the other Bills upon this subject are to be submitted to." We acted in that instance quite in deference to the highest Parliamentary authorities and precedents; and I believe that nothing would have been more unjustifiable, nothing more unjust, nothing more calculated to provoke suspicion in Ireland, than if we had said, "All these Bills upon the subject of the tenure of land in Ireland shall be submitted to the Select Committee, but we will specially prevent one particular Bill being submitted to the same test and tribunal, because we disapprove of the general principles upon which it is founded." It was in complete consistency with our view on this matter that the Earl of Derby, almost at the same time, in the House of Lords, utterly condemned the principle of that measure. In so doing, allow me to say, he took a course which, if he had only considered what some statesmen consider—influence in this House and the power of commanding votes—he certainly would not have pursued. He took that course in the very teeth of menace, and, because he would not be misunderstood, with the entire consent of his Colleagues; and whatever may be the consequences of that course, I, for one, have never for a moment regretted it. Sir, one of the supporters of the Government who have spoken upon this subject has described the learned Serjeant the Member for Kilkenny as a supporter of the Opposition, or rather he has repudiated the claim of the Government to the support of the hon. and learned Gentleman. The Chief Secretary has described the learned Serjeant as not one of those Gentlemen who honour the Government with their support. Well, Sir, I confess, especially at this advanced period of the Session, that I will not enter into the inquiry of who are the Gentlemen who honour the present Government with their support. That is one of those questions which might lead not only to debate, but even to an adjourned debate. I hardly know any question of the present day which might be susceptible of such variety of treatment and of such interminable discussion. Whether, after the longest discussion, it could satisfactorily be proved to the country that there are any Gentlemen who extend to Her Majesty's Government that unbounded confidence which, of course, they may desire, we need not now settle, and I shall leave it as one of those vexed controversies which agitate and perhaps amuse the political world. I want, upon the present occasion that the House and the country—as I think is due to my right hon. Friend, who has acted throughout this business in a manner so honourable, so honest, and, as I know, so single-minded, taking up this question before he ever anticipated being in a responsible position, and finding himself in a responsible position, pressing it upon the attention of the Cabinet with all the energy of which an able man is capable—I want that the House and the country, in deference to him, should clearly understand what we are talking about this evening, and that the noble Lord shall not rise in a thin House with no one present, and think that he is to stifle the expression of Parliamentary opinion by moving that you, Sir, should report progress. Why, Sir, I am in the habit frequently of sitting opposite the noble Lord, and taking an humble part in the conduct of the business of this House; I am constantly in the habit of witnessing Motions to report progress which the noble Lord generally most energetically or plaintively opposes; and, in deference to the noble Lord's feelings, I very often exercise the slight influence which I have—the result of kindly feeling, and not of authority—in preventing those Motions for reporting progress. What, therefore, was my astonishment when the Lord President, having fixed this evening with solemn notice for this discussion, moved that you report progress, after hearing from a distinguished Member of the late Irish Government his statement upon this important subject—the most important subject connected with the Government of Ireland—a statement which I am sure made, and which I was witness of having made, a deep impression upon the Committee, followed by a statement of a very different character, and, as I believe, upon the part of the Chief Secretary of the Lord Lieutenant, producing a very different effect. I am, of course, unwilling to speak with any personal allusion to the statement of the Chief Secretary. It was made at the twilight hour, which, according to Dante, "softens the heart," and may perhaps soften the brain; but certainly, that any man filling a responsible position, and a position of such extreme responsibility as the Chief Secretary of the Lord Lieutenant, should suppose that those muttered sentences upon such a subject could carry any conviction to a Committee of the House of Commons, or any satisfaction to the country upon this vital question, appears to me to exceed the most sanguine estimate of Ministerial audacity. But, Sir, I say that it is to me most surprising that the Lord President himself, having fixed in the most formal manner the occasion for hearing the statement of the late Attorney General for Ireland, and having listened to the rejoinder of the Chief Secretary of the Lord Lieutenant, should have got up and said that in the state of the affair there was but one course to take, and, under the circumstances, to move that you report progress—that appears to me to have been a most singular, unauthorised, and indefensible course. Why, Sir, what was the motive of my right hon. Friend in asking permission of the House to make that statement? My right hon. Friend, acting from that impulse of personal feeling which is always respected by Gentlemen in this House, upon whatever side, thought that his honour was impugned, and that the public interest was affected by the course which the Government had chosen to take upon this all-important question. Why, Sir, the sense of honour and self-respect is, after all, the most powerful stimulus that a man has in public life. We all agree in that. But if, in addition to supposing that his honour is wounded by the conduct of the Government in this House, a public man believes, at the same time, that the public service has been grievously injured, then I say that he is fully authorised to make such an appeal as was made by my right hon. Friend to the noble Lord. But what does he make that appeal for? Does a man make that appeal in order that he may get up and merely state his case, and receive a common-place formal and official answer in reply? On the contrary, it is that he may elicit the opinion of this House on the main question; it is that he wishes to ask Gentlemen among whom he lives, and whose opinions—whatever be their political party—he respects, whether they believe that, on a considerable question of his public life he has acquitted himself in an unworthy manner, or whether they believe that the Government of the country has trifled with him in an unjustifiable mode. Is that to be answered by the Lord President getting up and moving that you, Sir, shall report progress? Why, Sir, he might have left that to the hon. Gentleman the Member for Salford. That would have been consistent conduct on the part of the Government—that would have been in admirable taste—that would have achieved and accomplished in the happiest manner, that which the noble Lord has himself condescended to attempt. I have not, Sir, seen of late in this House that extreme readiness to pass without sympathy or respect over the feelings of eminent Members, who think themselves aggrieved by the conduct of this House or by the Ministry, or by the public circumstances of the day. I have not seen of late any unwillingness on the part of the House to pass by unnoticed, or without giving fair opportunity of explanation, without a decent expression of sympathy, or of opinion of a contrary character if necessary, the conduct or policy of public men when they have appealed to this House. Why, Sir, we had a very important measure—a measure, perhaps, quite as important as the question of the tenure of land in Ireland—long under the consideration of this House and of the country. It was a measure which had certainly excited the sympathies of some, and the alarm and susceptibilities of others, throughout the nation—it was one which might have affected the organisation of political parties—it was in every respect a question of great public interest, and a Member of this House, of great eminence, was connected with that question. The country expected a measure upon that question, as it expects a measure upon the tenure of land in Ireland. Upon the conduct of the eminent man whose name was connected with that measure, depended much more than depends on the labours of my right hon. Friend. Upon the decision of the House on that question depended the fate of parties, and, perhaps, the destinies of Administrations. Well, that was discovered to be a question at the last moment involving difficulties; it was supposed for a long time that it was one which would be easily settled—so easily settled that the Government was formed with the avowed purpose of settling it; but it was discovered to be a very difficult question. Well, Sir, the individnal connected with that question, when the hour arrived which could no longer be postponed, and he felt that the measure could not be carried—when he felt, as an honourable man, that the Ministry of which he was a Member might, if that measure were not carried, be subjected to vile imputations—came forward, stated the motives that had influenced his public conduct—placed himself fairly before the country, interested in the character of so eminent an individual, and asked for the verdict of the House. Did anybody get up then, when the Reform Bill was abandoned and say, "The best thing we can do is to move the previous question, and ask Mr. Bouverie to report progress?" On the contrary, the House felt that the individual who appealed to them was justified in appealing to them; and not only justified in appealing to them, but that it was his duty as a man, as a public man, and as a statesman, to enter into the details of the motives that had influenced him, and of the circumstances which had prevented the legislation which he believed to be all-important; and we respected the occasion and the individual. I ask for my right hon. Friend the same treatment, and that the conduct of those who have endeavoured to suppress opinion on this subject, who have endeavoured to place in an insignificant position a most able and estimable man, who in high office endeavoured to fulfil his duty to his Sovereign and his country, shall not be sanctioned or tolerated. My right hon. Friend has, perhaps, too plaintively touched upon the injury to his own private feelings in this matter; perhaps he has dilated a little too much upon the abuse, the odium, and the obloquy to which the fulfilment of his duty has subjected him in his attempt to do that which he thought was politic. Sir, if there be such weakness upon the part of my right hon. Friend, such expressions, in my opinion, ought to increase the feeling in his favour of the House generally; and, for my part, I only respect still more the public man who will manfully and sincerely confess that he is sensible to the power of an unjust attack. I think, however, it would be a wise thing for those who embark in the strifes and struggles of political existence either to be less sensitive, or to conceal their susceptibilities. When my right hon. Friend has been abused as much as some of those who were some time since his Colleagues, we shall hear far less of his complaints to the House than we have to-night. But there is one point in the appeal of my right hon. Friend, on which, from a sense of candour and of justice to Her Majesty's Ministers, I feel it right to express my opinion—that he has been seduced into an excess of sensibility. My right hon. Friend complains of a want of fairness towards him on the part of the Government; they behaved, if we may trust, as almost every one must trust, the expression of his opinion—they behaved with some degree of perfidy. He tells you—and it is a very simple story—that these Bills were submitted to the consideration of the House of Lords; that a Committee of the House of Lords was appointed to examine them; that some of the Members of that Committee were Members of Her Majesty's Government; that the Chairman of that Committee was the Lord Privy Seal; that they examined into the question, and that it was their unanimous opinion that of the three Bills—the one entitled the Tenants' Compensation Bill should not for a moment be encouraged—that it should be thrown aside; that, in deference to the determination of that Committee, another of Her Majesty's Ministers—a Secretary of State—came forward in the House of Lords and adopted two of the Bills as Government measures, and these two were the Bills which had, to a great extent, been matured by the labours of my right hon. Friend; that subsequently, and in due course, these two Bills were brought back to this House; and that after the Committee of the House of Lords, with Members of the Government serving on it, with a great officer of State for the Chairman, had availed themselves, through a prolonged and protracted investigation, of the knowledge, energies, and unwearied assiduity of my right hon. Friend, and had, by their organ in the House of Lords, accepted two of these measures, and had discarded the third as impolitic and incurable, they then sent them down to the House of Commons; that in that House a distinguished, but inferior Member of the Government—the Chief Secretary of the Lord Lieutenant—rose in his place, after all this protracted labour and investigation, and senatorial approbation of those measures, and announced that, in consequence of the third Bill having been rejected, the two others approved and adopted by Her Majesty's Ministers in the House of Lords could not be recommended for the sanction of the House of Commons. My right hon. Friend seems to have been touched to the quick by this conduct; it was but natural that he should be so, interested as he was in the subject—having given—and this I beg the Committee to recollect—long hours, and almost years, of study and painful investigation to his subject—having, in office and out of it, devoted thought and heart to its solution—after having placed himself in painful collision with Members of his own party, both in this and in his own country—after having received the confidence of the Lord Privy Seal—after having received the approbation of a Secretary of State, and the unanimous sanction of a Committee of the House of Lords—after having seen his measures passed by that House—he is thrown over scarcely with common respect by the Chief Secretary of the Lord Lieutenant. And I think the Committee will sympathise with this distinguished man—the late Attorney General for Ireland—in the disappointment he has expressed. But although I feel that the expression of his opinion was justified, I admit that it was too extreme. My right hon. Friend quite forgets that, however the Government may have behaved towards him, they have only followed the rule which, with admirable impartiality, they have always extended to themselves. He must remember that if they have treated him faithlessly, it is much the same way—so far as we can learn, not only from private report, which is not always right, but from public demonstration, which must ever influence us all—it is, I say, much the same way in which they have conducted themselves towards each other. I think that my right hon. Friend was overcome by a surplusage of sensibility when he complained of the perfidious conduct of the Government towards him, being only a simple Member of the Opposition; for I cannot understand that the process and treatment by which the Reform Bill was postponed differs much from those who have been employed in the settlement of the tenure of land in Ireland. I think my right hon. Friend ought to take that into consideration, and if, before he made this appeal to the Committee—which I candidly admit he made without consulting me—if he had asked the opinion of some of his friends, who regard his honour, and take as much interest in his career as those whom he did consult—if he had asked me—and he is generally kind enough to consult me on the course he pursues—I should have said, "I most earnestly recommend you not to take the course you propose; for, however reasonable such a course may seem to your admirable simplicity of nature, yet I believe it is best that you should forget the treatment you have received, though I can believe that in your case the sense of outrage is infinitely increased by the deep and profound conviction I know you entertain that these measures are admirably calculated to benefit your country." If the case had been thus put to my right hon. Friend, and it had been told him that, in order to conduct the affairs of the country in a Government of such singular material as the present, these little misconceptions must necessarily and perpetually occur—that they are obliged, even among themselves, to make each other withdraw Bills after they have given the most solemn pledges that they would introduce them—and that their administration of the affairs of the country cannot be carried on without habitual perfidy—of course I mean confined to themselves, and not as regards the public, with whom they always accomplish their promises—if all this had been stated to my right hon. Friend before he made this appeal, he would not have done so. He must have felt that appeals of this character to the country at this moment are extremely inconvenient. We are involved in circumstances of great difficulty; this is a great national emergency, and it is of the utmost importance that we should persuade all Europe that we have a powerful Government, supported by a unanimous Parliament; therefore I should have said that if, instead of bringing this appeal forward, my right hon. Friend had, as by the Standing Orders he had the power to do, moved that no strangers should be admitted for the remainder of the Session, so that no report of our proceedings should transpire under any circumstances, I think such a course would have tended to strengthen the Ministry and to consolidate a Government, on whom depends, as at present, so perilous a responsibility. Therefore, I think that my right hon. Friend has, to a certain degree, erred in that particular. But still, if, from these feelings, which will always animate gentlemen, which will make them not stop to speculate upon what is prudent, but upon what is due to their honour and to their public character, my right hon. Friend has thought this appeal necessary, I do believe the House of Commons will sympathise with that appeal so made to them, and that it will not hesitate—not, perhaps, by a formal vote, but at least by that expression of feeling which cannot be misunderstood—to show to my right hon. Friend and to the country, that, whatever may be their opinions upon the main question, they are sensible that, as a public man, he has earnestly endeavoured to do his duty, and that he does not deserve to be treated as he has been treated by Her Majesty's Ministers this evening.

LORD JOHN RUSSELL: The question, Sir, as I at first submitted to the House, is a very simple one. I had appointed an important Bill as one of the first Orders of the Day. A right hon. Gentleman, whom everybody respects, thought himself aggrieved by the conduct of the Government upon another subject, and wished to give a personal explanation. I said, if he wished to make any personal explanation, or to bring any charge against the Government, I would postpone other business, however important, in order that he might have that opportunity. The right hon. Gentleman was fully heard; my right hon. Friend near me (Sir J. Young) offered his explanation; and I then thought that, as I had given way to the right hon. Gentleman, sacrificing the progress of an important Bill, the House would consent then to proceed to the proper business of the evening. Some hon. Gentlemen, however, who take a deep interest in this question, spoke upon it, and protracted the debate; but the right hon. Gentleman who has just sat down has taken another course—he has taken the course of making a party attack upon the Members of the Government with reference not merely to this Bill, but with reference to their general conduct—he has taken the opportunity of referring to a measure, or rather to the course taken with regard to a certain measure, to which he was a party when he was in office, and to which I, not wishing to rouse angry feeling in debate, very likely should not have adverted. However, the right hon. Gentleman has called attention to that subject, and I feel myself obliged to call attention to that subject too, in order that the explanation of the right hon. Gentleman may be valued at what it is worth. Mr. Sharman Crawford, when a Member of this House, was in the habit of proposing to introduce a Bill which the Members of my Administration thought contained principles which ought not to be countenanced by the House. We always fairly declared our sentiments on the subject, and either on the proposal to introduce such Bills, or on the second reading, stated our objections fairly. The right hon. Gentleman, when a Member of the Government, thought fit to pursue a different course. There were other Bills introduced by the Attorney General of that Government—the Attorney General for Ireland—and he (Mr. Disraeli) consented that an hon. and learned Gentleman (Mr. Serjeant Shee) should have leave to introduce his Bill on the same subject. The learned Serjeant and those who supported him were evidently surprised at the concession, but at the same time greatly gratified, as they took it for granted that the Select Committee was fairly to consider that Bill, that its provisions were to be fairly before them, and that the Committee were to consider whether they were just to the landlord and fair to the tenant.

But, after having made that concession, which so greatly pleased the Gentlemen interested in that Bill, the Earl of Derby, then the head of that Government—not, as stated by the right hon. Gentleman, to satisfy his own views and at the risk of losing support—made a declaration of an opposite character. The fact was, that great alarm was excited in the other House of Parliament. The supporters of the Earl of Derby's Administration there felt that property was in danger by the introduction of that Bill and its second reading. One noble Lord asked a question upon the subject. It was then that the Earl of Derby was understood to have declared that he utterly disapproved the principles of that Bill, that it was not intended seriously to consider them, and that he for one never would sanction the principles contained in that Bill. Why, what did all this amount to? Deception, in the first place, towards those who had proposed the Bill. They were allured by the notion that their Bill was to be fairly considered; and then, after they had obtained that concession, they were told that it was mere deception, that that Bill had been sent to a Select Committee, without any intention of fairly considering its provisions, but had been simply sent there for the purpose of being rejected. I must say I think a more disreputable and more discreditable course on the part of a Government never was pursued than that of allowing a Bill to be read a second time in this House, referring it to a Select Committee, as if it was to be fairly, deliberately gone into, and then assuring the other House of Parliament that it was not to be fairly considered, and that there was no intention whatever of paying the least regard to its provisions, but that the chief of the Government pledged himself to the rejection of all its provisions. Such was the conduct which the right hon. Gentleman has thought fit to bring under the notice of this House; and, when I purposely avoided laying any stress upon that conduct, he brings it forward in such a way as to make it absolutely necessary to call to the recollection of the House what that conduct really was. If he thought that that Bill was a fair Bill—that it contained provisions which deserved the attention of this House—it should have been fairly considered in Committee. If, on the contrary, he thought that it contained provisions dangerous to property, the declaration that such was the opinion of the Government should have been made when it was proposed for the second reading. But this was not done, and an attempt was made to gain the favour of those who had always supported the principle of that Bill; but when the Government of Lord Derby found that this conduct had excited the alarm of a numerous body of the Members of the upper House of Parliament, they took a totally opposite view. Such was the conduct of the right hon. Gentleman, when in possession of power. He has found great fault with the conduct of Her Majesty's Government during the present Session. But, Sir, it is to be considered that, with regard to the party which the right hon. Gentleman leads, he is in a very peculiar position, and that position very often induces him to pursue a line of conduct which, if his position were not so peculiar, would not, perhaps, be the line of conduct he would pursue. He is the leader of a party who have attached much importance, as regards their credit or their character, to the traditions which belong to that party, and to the maintenance of certain principles to which—whether they are sound principles or not for the Government of the country is not now in question—they are deeply attached. It consequently follows that when any great question comes before the House in which the principle of conservatism or progress is clearly at issue, when any of those questions upon which that party have been always afraid of innovation are at issue, then they are ready to follow the right hon. Gentleman; but if the questions involved nothing of this, or they were questions in which it appeared to them the honour of the country is involved, or if in following up their principles it led to a support of Her Majesty's Government, then that party—whether the right hon. Gentleman will lead them or not—give their fair and hearty support to the Government accordingly. The right hon. Gentleman, therefore, finds himself disabled from that course which a leader of Opposition, disapproving of a Government, would naturally pursue—namely, upon some question or other bringing to an issue the conduct of the Government, and whether or not it deserves the support of the House of Commons. He finds himself unable to bring that question to an issue, and the support he would have upon many of these questions would be such as to strengthen the Government which he wishes to overthrow. There is another course, however, which the right hon. Gentleman finds it in his power to take, and that is to lie in wait for Motions which are made by independent Members; and, whatever the colour of those Motions may be, provided there is no great principle involved in them—no immediately disastrous consequences to ensue from the adoption of those Motions—then the right hon. Gentleman has influence with his party — then Gentlemen who have not much attended to the question are ready to follow his lead, and he pursues upon these questions one undeviating course, which is, whatever the question may be, to endeavour to put the Government into a minority, and then take his chance of saying that their measures have failed and that Motions which they opposed have been adopted. I have now stated the conduct of the right hon. Gentleman with respect to a measure of much interest when he was in office, and I have stated what has been his frequent conduct since. It is certainly a conduct which is somewhat new to me. [*Derisive cheering from the Opposition.*] Yes, it certainly is new to me; because, Sir, I have been a Member of a Government which has been opposed by such leaders as Sir Robert Peel and others who preceded him in the lead of the Conservative party. Such leaders, when they found that their opinions induced them to oppose the Government, openly and fairly opposed it, but they never thought of coming down to this House merely to take up any Motion which might be under discussion. If they thought it was a question which did not tend to the transaction of public business, they considered it their duty either to abstain from opposition or give their support to the Government. The right hon. Gentleman, however, thinks that no such duty is incumbent upon him. He seems to consider that Motions in which the character and the institutions of the country are involved constitute a game in which it is perfectly competent to him to embarrass the Government when he can, to utter his sarcasms, to come down with his taunts, and not to consider what important consequences may follow. If the right hon. Gentleman can find that his party will go with him upon a great question—such as I do not say a vote of want of confidence, but any question involving a principle upon which a Government must stand or fall—let him take that course and act as his predecessors have done. But, if there is a question upon which he and his party really are not bound by any principle of theirs to oppose the Government, if, on the contrary, it is a question in furtherance of their principles, let them act with that regard to character and to integrity of conduct which have distinguished their party in former times. I believe that this is one of the causes which has made the conduct of the business of this House what it has been during the later part of the period in which the right hon. Gentleman has been leader of the Opposition. I am not going now to refer to these various questions to which the right hon. Gentleman has alluded. Each in its turn was, no doubt, of importance. The Reform Bill, to which he has adverted, I certainly postponed with the greatest reluctance; but I postponed it with the agreement of the majority of hon. Members on this side of the House, and in accordance, I believe, with the general feeling of the country at large. I am not now shaken in my view of the importance of that measure, nor, if I felt myself pledged to yield and to withdraw the Bill, was it at the suggestion of my Colleagues — because I myself, having charge of the measure, was obliged to propose to the Cabinet that I should take the course I did. But I did so, finding it impossible to stand against that general impression which prevailed not only in this House, but throughout the country, that it was not expedient to proceed with it. Sir, I have not on that account at all changed my opinion with regard to the importance of that question, and I feel great confidence that the time will come when those defects which remain in the first Reform Bill will come under the consideration of the House, and when amendments of those defects will be effected. I have only further to say, that, with regard to the right hon. Gentleman who began this discussion, nothing was further from my intention, in moving that the Chairman should report progress, than at all to disparage the speech that he made or the conduct that he has pursued. I cannot conceive that he thought that during the present evening we could make much progress with regard to these Bills. What has happened to these Bills is what has happened frequently, and almost every Session, under various Governments, when in the middle of July it has been found impossible to go into various complicated questions, and to obtain a solution of that which has always been difficult. I therefore do not see that there is any advantage in attempting to pursue these Bills any further. I have already spoken with regard to the merits of the landlord and tenant question in Ireland. I did not say, as the right hon. Gentleman stated, that it was the duty of the Government to leave this question without a solution. What I did say was, and what I believe is, that the most useful measure that could be provided would be a measure giving power and force to voluntary contracts, and a simple remedy for the breach of those contracts. One of the measures of the right hon. Gentleman certainly does contain provision for that purpose, and I trust that before long it will become law. Whether it may be possible to go further than that, and to make compulsory arrangements between landlord and tenant, is a matter upon which I have very great doubts, not merely because it is a difficult matter for legislation, but because I doubt whether legislation upon that subject can be so minute as to act at the same time with efficacy and with justice.

Mr. VINCENT SCULLY said, that though by no means inclined implicitly to follow the Government upon all matters in reference to Ireland, yet he would readily acknowledge that the course pursued by them on the present occasion met his approval. The right hon. and learned Gentleman had introduced these Bills, which were referred to a Select Committee, when the fate of the late Government was on the balance, and astonished the House by declaring in favour of tenant compensation. One of these Bills, however, was, in his (Mr. V. Scully's) opinion, a mere landlords' Bill, which he could never consent to pass as an isolated measure. The whole of the Bills went to a Select Committee, notwithstanding his (Mr. V. Scully's) protest. Lord Derby's Government was then in the balance, and he (Mr. V. Scully) believed there was a *bonâ fide* intention on their part, therefore, to pass these Bills. The Tenants' Compensation Bill, however, as introduced by the right hon. Gentleman, was an utter delusion. He (Mr. V. Scully) should have been much better pleased if the noble Lord had given some exposition of the intentions of the Government on the subject of these Bills next Session. His reasons for believing the right hon. Baronet (Sir J. Young) was sincere in his course with regard to these Bills was, that he had sent them *bonâ fide* to a Select Committee, and that he had manifested a determination to go on with the Tenants' Compensation Bill, but he had reluctantly postponed it at the request of the hon. Member for Kerry. On the 20th of June the Bill was brought forward, and opposed by the worst enemies of Ireland, the Tenant-League representatives in that House, now leagued with hon. Gentlemen opposite. The result of the opposition of the hon. Member for Meath was that the Landlord and Tenant Bill was proceeded with, and it was not until the 21st of July that the Tenants' Compensation Bill could be brought forward, in consequence of the opposition of those hon. Members. The Secretary for Ireland could not do more for any Bills. It was quite impossible that these Bills could pass in August when they went to the House of Lords. They were, therefore, thrown over; and at the opening of the Session, they, in conjunction with other Bills on the subject—seven in all—were referred to a Select Committee of twenty-two Members, most of them in opposition to the Government, or belonging to the Conservative party. This Committee accordingly rejected the Tenants' Compensation Bill, which the hon. Member for Dungarvon had designated as a libellous mass, and which the right hon. Member for Bucks had denounced as impolitic and unendurable. He (Mr. V. Scully) did not concur with the right hon. Gentleman, and he thought it would be more satisfactory if the right hon. Gentleman had indicated what he would do on the subject when he came into office—an event, of course, looked upon by him as "looming in the future." The Bills coming from the House of Lords were not printed for the House of Commons and delivered until the 9th of June. On the 12th June they were read a second time, at the instance of the right hon. Baronet, in the absence of the right hon. Gentleman. The right hon. Gentleman was absent for some considerable time after, and it was not until the 29th June it became his convenience to come to London. At a late hour of the night of the 29th June the right hon. Gentleman expressed a wish to commit the Bill *pro formâ*, for the purpose of proposing certain Amendments, and then he adjourned the debate. On that occasion the noble Lord said, the usual courtesy was, to afford the right hon. Member an opportunity of putting the Bill into shape; proving that the Bill was the Bill of the right hon. Member, and not of the Government. On the 11th July the Bill stood on the paper with no less than six closely printed pages of Amendments, containing as many as a dozen new clauses. There were four pages of Amendments by the hon. and learned Member for Kilkenny, and three by another hon. Member. These were to be considered, with 140 clauses of the Bill, and the Tenants' Compensation Bill also. Any man of common sense would see that there was no practical chance of going on with any of these Bills, except the present one, the Landlord and Tenant Bill. The only safe course, therefore, to pursue on the part of the Government was to throw over the Bills altogether; and the only course open to the Liberal Members of that House was to support them. He hoped the noble Lord would consult with those men who were able to give him honest advice as regarded these measures in the future on one side of the House and on the other—such as the hon. Member for Fermanagh, who had a deep interest in the question, and not those men of extreme opinions, who called themselves the leaders on the question, and had no weight in the country. He trusted the noble Lord would not be deterred by anything which he advanced that evening from endeavouring to settle this question. With regard to the attack of the hon. Member for Meath on the Solicitor General for Ireland, who had been compelled to leave London for Ireland that morning on private business, he (Mr. V. Scully) was sure the language indulged in would not have been used had that hon. and learned Gentleman been present.

MR. MAGUIRE said, with regard to the taunt of the hon. Member (Mr. V. Scully), that the hon. Member for Meath would not have used such language in the presence of the Solicitor General for Ireland, he would refer the hon. Member to the Committee upstairs, where the hon. Member for Meath met the Solicitor General face to face, and there made his accusations. He (Mr. Maguire) was present at a meeting in Ireland when the hon. and learned Gentleman himself took a resolution into his hands, making it more stringent, for the purpose of binding independent Irish Members to resist any Bill on the subject of landlord and tenant which did not embrace the principle of Mr. Sharman Crawford's Bills. The hon. Member for Meath had not obstructed the Tenants' Compensation Bill, but simply wished its postponement until the Landlord and Tenant Bill, an equally important measure, had been considered by the country. The charge of the hon. and learned Member for Cork (Mr. V. Scully) was merely intended to cover the retreat of the Government, whom he (Mr. Maguire) contended should either declare their intentions on this subject or resign their posts. To justify the Tenant League from the aspersions of the hon. and learned Member for Cork would be attaching too much importance to them.

MR. DISRAELI: I do not wish to enter into any personal controversy with the noble Lord; but there is one observation which he made, which, as it concerns the general business of the House, I cannot allow to pass unnoticed. The noble Lord has made some comments on the relation which exists on this side of the House between the Members of the Conservative party and those who have the office of directing their general conduct. It seems to him that they have no confidence in their leaders, and that their leaders have no confidence in them; but, nevertheless, he admits that they are always putting Government into a minority. That is extremely unfortunate for the Government; I admit that that is a very inconvenient result to arise from the anomalous circumstances to which the noble Lord has referred. But I wish to disabuse him of the impression which he seems to have imbibed, that my principal business is to study how we can put the noble Lord in a minority. On the contrary, I can assure him that if he occupied my position under similar conditions, and under the circumstances which now prevail in the political world, he would find that the principal business and duty of the leader of Opposition is to study, if possible, how the Government should not be put in a minority. The noble Lord has made a very strange comment upon this remarkable state of affairs. He says he does not expect that I should propose a vote of want of confidence in the Government. I think he was quite right in that remark, because that is a Motion which ought only to be made under very extraordinary circumstances; and I may say, in passing, that, although quite a constitutional proposition under those circumstances, it is indirectly somewhat interfering with the prerogative of the Crown. The noble Lord says, "I do not expect you to propose a vote of want of confidence in the Government, but you ought to ask the opinion of the House on some great question; and if on that great question the opinion of the House is adverse to that of the Government, Ministers would draw the necessary deduction." But as the noble Lord admits that it is not my province, and that it is not incumbent upon me to propose a vote of want of confidence in the Government, I wish he would have the kindness to inform the House what is the great question which he wishes to be brought forward, and upon which he wishes to obtain the opinion of the House of Commons. Is it a question which concerns the distribution of political power—such as a Reform Bill? or is it a system of National Education? Surely these are great subjects; and, although there are not many subjects of that importance which can be quoted as having been brought before our consideration this year, there have been some other subjects of first-rate Parliamentary importance, the result of having submitted which to the notice of the House has generally been to place the Government in minorities—in considerable minorities—some twelve, fourteen, or sixteen or eighteen times during this Session. I do not say that that is any reason for the noble Lord to take the course which he contemplates as possible under other circumstances and with other persons; but, when he says, "I do not want you to bring forward a vote of want of confidence in the Government, but I wish the opinion of the House to be tested by a decision on some great question," he is bound to tell us, after the experience of the Session, what is the character of the great question which he wants the decision of the House to be asked upon. The noble Lord is laying down a principle applicable to our meetings every day. The noble Lord, disquieted by the phenomena which he observes around, gives vent to his feelings by saying that he is opposed by a body of Gentlemen who have no confidence in their leaders, and whose leaders had no confidence in them. That is fortunate for the Government. It seems to me that, if the contrary were the case—if they were opposed to a party who had confidence in their leader, and whose leader had confidence in them, bad as is the present state of things, the Government would not last out the evening. The noble Lord is fortunate in having that peculiar combination which has, however, produced such disastrous results to the Government. But as the noble Lord has brought forward votes of confidence and votes of want of confidence in a Government, and as he is a constitutional scholar, and on great occasions is accustomed to read the House lectures on constitutional questions, I need not remind the House that generally before the reformed Parliament, which he wishes to reform again, and since the reformed Parliament, whenever any Government has found itself in extreme difficulty—not perhaps in as frequent minorities as the present Government, for in that respect its fortune is peculiar and unprecedented—but whenever any Government has been in frequent and embarrassing minorities, the conduct of the Government has not been to get up in that pettish spirit of which we have had so many instances during the present Session from almost every Member of the Cabinet in the House of Commons, and to taunt us with not bringing forward a Motion or vote of want of confidence in the Government—which I must, in justice, say the noble Lord has never sanctioned, but has in a direct manner disapproved of. But what has been the conduct of the Government in old days? What has been the conduct of the Governments of which the noble Lord during the last twenty years has been, more or less, so distinguished a Member? Why, they have always felt that nothing can be more embarrassing, nothing more inconvenient, nothing more injurious to the Parliamentary constitution of England, than that power should be possessed by men who apparently cannot pass measures and do not possess the confidence of the House of Commons. What, then, have Ministers done? Why, like men of spirit, men who had confidence in their cause and in their standing in the country, who were not squabbling among themselves, and giving up measures like some Administrations of which I have heard—they have gone to some eminent man on their side—such as Lord Ebrington, now Earl Fortescue—and said, "This is intolerable—this in painful—this system of constant minorities—it is painful to us as men of honour; it is much more than that—it is injurious to the Parliamentary constitution of the country—and we call upon you as one of our most distinguished supporters to come forward and test the opinion of the House of Commons, and propose a vote of confidence in the Administration which you uphold and support." Why, Sir, in old days what did the noble Lord do when he was in minorities? He did not get up and make a few observations like those which he has made to-night—for I cannot call it a speech—he did not get up and ask the Chairman to report progress when the conduct of the Government was called in question. No, he went to Lord Ebrington or some other of his supporters, and said, "We will have the question settled at once—it is not for the advantage of the country that this state of things should continue, and we ask you to give a notice in order that we may have the opinion of the House of Commons tested, for we will not be a Government on sufferance?" And that is the course which the noble Lord ought to pursue if he means to have the confidence of the House of Commons proved in the present Government. I would advise him first certainly to consult the Secretary to the Treasury as to whether he has a majority or not. Of course that is a friendly intimation, and he will follow his own discretion. Now, although hon. Gentlemen on these benches do not wish to disturb the present Administration, they consider they have the right of exercising the privilege of opposing measures of which they do not approve. I have said before that I, for one, would never be a Member of an Administration that existed on sufferance. It is not that I depreciate the great sacrifices which right hon. Gentlemen and noble Lords make in the fulfilment of their duty. I think we ought to be very grateful to them for being Members of an Administration on sufferance. I ascribe it entirely to patriotism. What they gave up publicly or privately it is impossible for us to estimate, but I have no doubt we ought all to feel grateful to noble Lords and right hon. Gentlemen who endure such multiplied and such continuous mortification. But when we are willing to give the noble Lord credit for patriotism and for no lower feeling, and he and his friends get up and tell us that the confidence of Parliament ought to be tested, I tell him that those who ought to test the confidence of Parliament are Her Majesty's Ministers, and I call upon the noble Lord to do that which he and his predecessors have done before—to ask some of their principal supporters to introduce that question to the House. The noble Lord says that he meets with an opposition which is carried on in a spirit to which he has been unaccustomed. I think that was a most unauthorised observation on the part of the noble Lord. The noble Lord says that Sir Robert Peel did not do this, and that other leaders of Opposition did not do that. I know pretty well the career of Sir Robert Peel in opposition, having sat on the same benches with him for many years, and having read the history of his political career when I was not a Member of Parliament; and I ask the noble Lord to adduce any period when Sir Robert Peel conducted an opposition, when he had to encounter a Ministry which, on the average, was in a minority twice a week? Why, the Opposition is now carried on by other parties. With the exception of the divisions on the University Bill—some of those divisions having been originated by Gentlemen who are habitual, if not avowed, supporters of the Government—every division on which the Government have been placed in a minority have originated with those who formerly sat on their own benches. I, therefore, protest against the opinion which the noble Lord has stated. If he wishes the confidence of the House in the Government to be tested, he is bound to ask one of his supporters to originate a Motion for that purpose. I do not want the opinion of the House of Commons to be tested, or else I would ask the House to express an opinion on the subject. I do not wish to disturb the Government. I admire their powers of sufferance. I am willing, as one of a grateful community, to do justice to their patriotism. Sir, when the Coalition Government was formed, I was asked how long it would last, and I ventured to reply, "Until every Member of it is, as a public character, irretrievably injured."

House resumed; Committee report progress.

STAMP ACTS.

Order for Committee read.

House in Committee; Mr. BOUVERIE in the Chair.

On the first Resolution, increasing the stamp duties on leases,

SIR HENRY WILLOUGHBY said, he wished to have some explanation of the objects of the proposed changes in the stamp duties. What was the kind of property that the Government intended to affect, and what was the amount of additional revenue which they expected to gain? At present leases were subject to a low stamp duty, and conveyances in fee to a high duty, and he understood that one object of the proposed changes was to equalise these duties. He thought, however, that this should be done by lowering the duties on conveyances in fee rather than by augmenting those on lease; for the result of the latter plan, which was that embodied in the schedule annexed to this Resolution, would be that a heavy duty would be imposed upon that description of property which was the least fitting subject of taxation—the small plots of land sold on building leases.

Mr. HADFIELD said, he objected particularly to the proposed schedules of duties on leases, which would injuriously affect a large community in the manufacturing districts—the members of building societies. The schedules of the present Bill were equally absurd and blundering with those of the Stamp Amendment Act of last year. For instance, the duty on a lease of 100 years was to be 3 per cent, and on a lease of 1,000 years was to be 6 per cent, although the value of each was practically the same. Last year the Stamp Duties Bill was so blundered that it was necessary to bring in a Bill to amend it as to counter-parts of conveyances, and another Amendment Bill as to progressive duties. He pressed it upon the Committee whether it was right, after the Chancellor of the Exchequer had abandoned the excessive duties on this class of conveyances, to reimpose such duties? It was unjust to tax long leases heavily in order to relieve chief rents in fee. He should propose an Amendment in conformity with the determination taken on a former occasion, and should divide the Committee against the Resolution.

Amendment proposed, to leave out the words "if the term shall not exceed 100 years."

Mr. J. WILSON said, at present the same stamp was applicable to every lease for whatever period it was granted, so that a lease for three years paid the same amount as a lease for 999 years. The stamp upon a lease was equivalent to ½ per cent upon the rent. Upon a conveyance it was equivalent to ½ per cent upon the value; and, taking the value at twenty-five years' rent, its relation to the stamp upon the lease would be as 25 to 1. It would be 12½ per cent in one case against ½ per cent in the other. There were two kinds of conveyance. One was for money paid down, the other was for a perpetual annuity. These last were very common in the neighbourhood to which the hon. Gentleman behind him (Mr. Hadfield) belonged. They were taken for the purposes of building; a perpetual rent-charge was reserved; but they were as much conveyances in fee as if the whole purchase money had been paid at once. The hon. Gentleman complained that, although he could take a lease for 999 years, and be taxed only at the rate chargeable upon other leases, he could not take a conveyance in fee to be paid for by an annuity at the same rate. His object, therefore, was to reduce the stamp upon conveyances where the consideration was an annuity, but not where it was a sum of money. The Government made this proposal entirely with a view of meeting an apparent discrepancy in that part of the country to which the hon. Gentleman had referred, but without having any wish or disposition to press it on the Committee. It appeared to them, however, that there was a great difference between a mere occupation lease, which was granted for the purpose of business, and a lease for 999 years, which to all intents and purposes might be called a conveyance in fee, since the reversion was worth nothing. They proposed, therefore, that leases for any period not exceeding thirty-five years should pay the same stamp duty as at present; where the term was more than thirty-five, and less than 100 years, it was proposed to charge 3*s.* per cent, and where it exceeded 100 years 6*s.* per cent. The hon. Gentleman wished to adopt the lower part of this scale, and to reject the higher; and having done that, he wished to put conveyances in fee for chief rents upon the same term as leases. The tenure, however, was the same as if the money were paid down; there was the same freehold, the same right of property, and what would the purchaser for money say, if the purchaser for an annuity were placed, in relation to taxation, upon so very different a footing? He believed that the effect of the change upon the revenue would be very slight, but there was more likely to be a trifling loss than any gain.

Question put, "That the words proposed to be left out stand part of the proposed Resolution."

The Committee *divided*:—Ayes 120; Noes 36: Majority 84.

Original Question put, and *agreed to.*

Remaining Resolutions *agreed to.*

House *resumed.*

TURNPIKE ACTS CONTINUANCE, &c. BILL.

Order for Committee read; House in Committee.

The clauses having been agreed to,

SIR **WILLIAM JOLLIFFE** said, he wished to propose a clause of which he had given notice. Under the provision of the Act the Commercial Road was the only one liable to be rated to the poor rate, and that liability having been confirmed by a recent decision of the Court of Queen's Bench, an application had been made to the Secretary of State for the Home Department on the subject, who, however, expressed an opinion that the matter should be dealt with by private Bill; but he (Sir W. Jolliffe) conceived that the only proper way to remedy the grievance complained of was to bring the road under the operation of the General Turnpike Act, and therefore he now asked the Committee to agree to the insertion of the present clause.

MR. **WRIGHTSON** said, he should support the introduction of the clause, which he believed would have a very useful tendency.

MR. **FITZROY** said, he must oppose the clause on the grounds that the Committee ought not to decide upon a question of this kind upon a mere *ex parte* statement, and without hearing the other side.

SIR **WILLIAM JOLLIFFE** consented to withdraw the clause for the present, but would propose it again on the third reading.

House *resumed;* Bill *reported.*

YOUTHFUL OFFENDERS BILL.

Order for Third Reading read.

Bill read 3°.

LORD **DUDLEY STUART** said, he wished to ask whether the Bill was intended to apply to the whole of the kingdom, including the county of Middlesex, as he was anxious that the inhabitants of that county should have the advantage which would be conferred by the measure? He also desired to know whether there would be any objection to insert words empowering the Home Secretary, if he thought fit, to remove juvenile offenders from one reformatory school to another?

VISCOUNT **PALMERSTON**, in reply to the last question, said, that it would be no use to insert the words suggested by the noble Lord, as the power of the Home Secretary to remove juvenile offenders was undoubted. The Bill was intended to apply to the whole of the kingdom.

MR. **J. O'CONNELL** then proposed a clause, providing that the clergy of all denominations should have access to the juvenile offenders during the week, subject to such regulations as the authorities might make, and should be at liberty to perform divine service on Sundays.

VISCOUNT **PALMERSTON** said, he must oppose the clause as unnecessary, and as one which, if insisted upon, would cause the Bill to be lost. It was very similar to a clause which was recently expunged from a Bill in the other House.

Clause *brought up,* and read 1°.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided:*—Ayes 23; Noes 69: Majority 46.

Bill *passed.*

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, July 14, 1854.

MINUTES.] PUBLIC BILLS.—1ª Merchant Shipping Acts Repeal; Drainage of Lands; Youthful Offenders; Parochial Schoolmasters (Scotland).

2ª Commons Inclosure (No. 2).

3ª Bleaching, &c. Works.

THE GENERAL BOARD OF HEALTH.

THE EARL OF **SHAFTESBURY*** said, that in moving for Returns relating to the Board of Health, he would take the opportunity of replying to certain attacks recently made on the conduct of that Board. It would be irregular on his part to refer more particularly to these attacks; but, for the purpose of making his defence, he must assume that charges had been made against the Board somewhere—no matter where—and by a certain eminent statesman whom he needed not to name. The nature of those charges he thought sufficiently showed that the party who made them must be extremely ignorant or extremely malignant; but when a public board was charged, however undeservedly, with a complete perversion of its duties and functions, he thought it was desirable that it should be defended; more especially when it was a Board of such importance, and engaged in such matters, that no one could deny, if it were well administered, that it must be of the most essential service to the material and physical—and, he might almost add, the moral—well-being of the people. In the speech to which he was referring, there was a distinct assertion that the Board of Health had, by its misconduct, completely checked the progress of sanitary measures in this country, and that it had, by its despotic and overbearing behaviour, disgusted the whole country, and had thus been the cause of the non-progress of those great and beneficial measures so largely required by the physical condition of our people. The first statement was this—"Sanitary measures were introduced, not from the free will of the towns, but forced on them by the despotic interference of the Board of Health." Now, to that statement he gave the very flattest possible contradiction, and he would show by facts how entirely unfounded it was. The Act had been applied in 182 places; in 168 of these it was applied upon petition from the ratepayers, according to law; in fourteen it was applied after representations from town councils or vestries, based on the excess of mortality, and, though the Act gave the Board power to proceed by virtue of its own authority in towns where the mortality exceeded twenty-three in 1,000, yet in no one instance had that been done, except upon the representation of the town council, or of the public assembled together. Therefore, in no single case had the Act been applied, except upon the desire of the governing body, or of the inhabitants of the place itself, assembled together in some form of public meeting. Since, however, these attacks had appeared, the Board had received many letters, expressive of strong condemnation of them and of the readiness of the writers to refute them from their own experience. For instance, a letter had been received from Lancaster, from which the following was an extract—

> "I have been amused with the rabid attack made upon the Board of Health by Lord Seymour and Sir B. Hall. There is a great prejudice, arising, as it does, from ignorance; but sanitary improvement is too important, and the Board of Health have done too much to promote it, to be put down by such wholesale accusations. Speaking for Lancaster, I know we have much reason to be grateful for the ready advice and assistance we have always received from the Board on all occasions."

He might also quote similar accounts from York, Rugby, Tottenham, and many other places. A letter had been received from the engineer of the local board of health at Preston, where public works were being carried on to a great extent, from which the following was an extract—

> "So far as this local board is concerned, I am prepared to give the strongest contradiction to such outcry. The whole of the business of this board with the general Board has, until lately, been carried on by me, and I can fairly state that in all our transactions with them there has not been any attempt at unnecessary interference. The general Board have acted in a fair spirit towards me, and have cordially co-operated in all matters having the sanitary improvement of the borough for its object. I am also glad to say that in the great scheme of sewerage which I had the honour of preparing for this borough, not one single objection has been taken to it by the general Board. On the contrary, it has had their ready assent, and I am progressing with the works in the most satisfactory manner."

So much for that statement, but next came one rather more important, because it involved a serious charge against the Board, as being determined to thwart the views of the President of the Board, and, in fact, to act in defiance of the Government. But to that statement, also, he gave as flat a contradiction as he had given to the other, and in like manner he would show that it was totally unfounded. These were the words of the charge, and here he must premise that it was made by one who had once held the office of Chief Commissioner of the Board of Works—

> "When he was himself at the Board of Works, and after communicating with the other Members of the Government, he had made a communication to the Board of Health as to the course he thought they should adopt; he was told that his proposition was not seconded, that the members of the Board knew nothing of what the Government might wish; they only knew that the proposal was not seconded. Was that the way in which public business was to be conducted?"

Certainly not, he answered; it never was so conducted. He most distinctly and most emphatically denied on his word of honour, that the term "second" or "seconder," had ever been used on that day or in that discussion, or, indeed, at any one time to his belief, whenever that noble Lord (Lord Seymour) was present. In this he could be borne out by his colleagues, and by the secretary of the Board, who was present. It did so happen, however, that upon the minutes in which the events of that day were recorded, the word "second" did appear, but they were drawn up by the secretary, who had assured him that he had made use of the term, because he was giving a description of what had occurred, but that it had never been made use of in the discussion, either in form or substance. He firmly believed that the thought never occurred to the noble Lord until he had read that word in the recorded minutes. The noble Lord had, in fact, revived a charge which he had made once before against the Board, that it was quite impossible for him to continue to attend at the Board because he was invariably thwarted and opposed by the other members of it. The noble Lord had assumed the other night, that his reason for not attending the meetings of the Board was, that he was perpetually thwarted there and could not carry his own views into effect; but he could assert most solemnly that, when he waited on the noble Lord, immediately on his assuming office, the noble Lord told him that he should never be able to attend to the meetings of the Board, because he should have so very much to do in his own office, and the noble Lord was also good enough to add a compliment, to the effect that he had no fear of anything going wrong, having sufficient confidence in his (the Earl of Shaftesbury's) discretion. Shortly after that, too, the noble Lord told him, that his rule of business was never to do anything that he was not absolutely compelled to do. Now, when the noble Lord had thus forewarned him of his intention not to attend the Board, it certainly was not unnaturally a great surprise to him to learn, that the noble Lord had said that he had stayed away, because of the opposition which he anticipated; but, on the first day that the noble Lord attended the Board, on the sixth day after he took office, no opposition was offered to him, for he merely took his seat; but, to show how completely he carried his predetermination of non-attendance into effect, between his first appearance and his second, he allowed sixty-eight boards to elapse; and after his second appearance, he allowed five boards to elapse before he attended again, and then his stay was very short. Between his third and fourth appearance there were ten boards; but between his fourth and his fifth appearance he allowed no less than ninety-four boards to elapse, making, in 183 boards, five attendances. On this fifth attendance the noble Lord certainly did make a proposition, to which he (the Earl of Shaftesbury) ventured humbly to take exception, because the proposal was utterly impracticable, and even hazardous. He told the noble Lord so, and the matter was discussed, and it fell to the ground, simply because it was impracticable, and of that the best proof was, that afterwards, when the whole question was referred to the Treasury, they decided against it, and confirmed the reasons on which it had been opposed. He begged their Lordships would note the fact, that he had opposed the noble Lord's proposition, because, throughout all the famous speech to which he was referring, it was represented that his two colleagues, Dr. Southwood Smith and Mr. Chadwick, were the only parties present and the only parties who raised any opposition; but he believed the only opposition that ever was raised was on this day, the noble Lord's fifth attendance, and then the objection was raised by him (the Earl of Shaftesbury). At no one time, he believed, either before or after, was there any objection raised, either by him, or by either of his two colleagues. After his fifth attendance, on which this event took place, there was another interval, he believed, of ninety-seven boards, before the noble Lord attended again, and then forty-three more before he attended again for the seventh and last time. After that, before the noble Lord retired from office there were 118 boards which he never attended. And yet the noble Lord now stated that his reason for absenting himself from the Board was the opposition he met with, after he had previously stated to him (the Earl of Shaftesbury) and to others besides, whom he could produce in testimony, that he did not intend to be present because he was so occupied with the business of his own office, and even after he had used language to the same effect in a letter to him in January, 1851, in which he said—

> "As it is not in my power to attend the meetings of the Board of Health without the neglect of my duties here, I have to request that you will furnish me with copies of all minutes," &c.

There was another charge also brought forward by the noble Lord, in which he insinuated that there had been tampering with the Board of Health; that there was an understanding existing between the Board of Health and the local boards, and that the inspector first of all brought in the Board, and then the Board brought in the inspector. To this charge he could give the most positive and emphatic contradiction, and at the same time he felt bound to say that, if the noble Lord really believed it was true, the subject ought to have been inquired into long since, and the charge ought to be brought forward now by those who had the means of preferring a public accusation. It was, in fact, nothing less than a charge of corruption against the Board of Health, and the noble Lord was bound by every obligation of honour, and as a gentleman, to substantiate it if he could. After having made these charges, the noble Lord concluded by saying—and it should be remembered that the noble Lord was speaking of his former colleagues — that the only way to bring the members of the Board of Health to reason was to stop their salary. He would ask their Lordships, or any body of gentlemen, whether this was becoming language to publicly make use of in reference to the conduct of persons who were absent, and who, therefore, could not defend themselves or answer the charges that were brought against them in the same public way that they were made? The noble Lord had, no doubt, to the advantage of the country, himself received a salary; but would he not have deeply resented the imputation, if any one had said of him that salary was his sole object, and the threatened removal of it the only way by which he could be urged to perform the duties that were imposed upon him? He felt bound to say, in reference to the two gentlemen who were the subject of attack, and with whom he had had the pleasure to act for four years, and to participate in all their measures, that he had never met with more diligent, zealous, and efficient men of business, and men who were more anxious to effect all the good they were able to do. He did know what the feelings of the noble Lord might be on the subject, but this he did know—that if his two friends, Mr. Chadwick and Dr. Smith, had said so dirty a thing against the noble Lord or any one else, they would, in their sober moments, most deeply have regretted having done so. The noble Earl concluded by *moving*—

> "That there be laid before this House, Return of the Number and Description of Petitions from Local Boards of Health against the Continuance of the General Board of Health: And also, Return of the Number and Description of Petitions for the Application of the Public Health Act, and also of any Petitions or Memorials or other Forms of Applications for the Extension of the Jurisdiction of the General Board, or for the Exercise of increased Powers for the Protection of the Public Health."

THE BISHOP OF LONDON said, that the noble Earl who had just spoken had very properly observed that the question at issue was the conduct of the Board of Health; and therefore, to a certain extent, the charges which had been made must materially affect the character of those who appointed the gentlemen who constituted that Board. He considered, however, that if the Board of Health had not succeeded in carrying into effect the great sanitary reforms which were anticipated by the public, their not having done so was no fault of the Board of Health, but of the Government, who had neglected to assist them in the way that ought to have been done. If the Board of Health had not been thwarted by the Government, or rather by those officers of the Government whose duty it was to watch over the Board of Health, and, if necessary, to control, but more generally to encourage their proceedings, the public would by this time have had good water, and that at a price so trivial as scarcely to be worth consideration. He was perfectly persuaded, also, that if the proposals of the Board of Health had not been opposed by those in power, the burial question would by this time have been settled, with infinite advantage to the population of the metropolis, and without injustice to the interests of individuals: but, no—the Board of Health were here impeded more than even on the former question, and a combination of the shareholders in different cemetary companies had sufficient influence with those in authority to prevent the Board of Health effecting the improvements which they contemplated and desired. As to the members who composed the Board of Health—Lord Shaftesbury, Mr. Edwin Chadwick, and Dr. Southwood Smith, and who had been personally attacked—their names had been connected with every project for the improvement of the condition of the poorer classes of this country. It was, of course, unnecessary to say one word in favour of the noble Earl, whose many acts of charity for the physical and moral improvement of the labouring classes were so well known; but, on the other two gentlemen, perhaps he might be allowed to make a few remarks. Mr. Chadwick he had known for thirty years, and he could say that a more efficient, active, diligent, and honest servant of the public never existed. This was sufficiently proved by his conduct as secretary to the Poor Law Commission. It was to his knowledge and exertions, and to those of Mr. Nichols, that we were mainly indebted for the amendment of the Poor Law. After faithfully discharging his duties as secretary to the Commission, Mr. Chadwick turned his attention to sanitary matters, on which he had display-

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ed an extraordinary amount of knowledge. It was his (the Bishop of London's) opinion, that if the suggestions of Mr. Chadwick and Dr. Southwood Smith had been carried out, we should not now have had to dread, at least to the same extent, the return of the cholera. At the root of Mr. Chadwick's knowledge there was an amount of benevolent interest for the poor, which would prevent his sanctioning any measure which would inflict hardship on the poorest of his fellow-creatures. Dr. Southwood Smith had for many years been known to him (the Bishop of London) as a very benevolent man. Dr. Southwood Smith had laboured very much in the metropolis in visiting the sick poor, and had had extensive opportunities of becoming acquainted with the subject while physician to the Fever Hospital. He had applied the knowledge which he had thus acquired to sanitary improvements, and if there was one man more qualified than another to be a member of the Board of Health, it was Dr. Southwood Smith. No man was more fully actuated by the principles of true benevolence, or more likely to apply his knowledge to the carrying out of the great purposes for which the Board of Health was constituted. That Board had been placed in a position of the greatest difficulty from the want of proper encouragement on the part of those whose duty it was to render it every assistance. He was happy from his personal knowledge to be able, and he felt it his duty to rise and to bear testimony to the merits of both Mr. Chadwick and Dr. Southwood Smith; and he trusted the Government would uphold those gentlemen in the difficult position which they occupied, and that they would long continue to be, as they had hitherto been, worthy colleagues of the noble Earl.

The Earl of CARLISLE said, that neither in generosity nor justice to the gentlemen whose names had been brought under the notice of their Lordships could he allow the discussion to close in total silence on his part. He had had the honour of being associated with his noble Friend opposite (the Earl of Shaftesbury), and with Mr. Chadwick and Dr. Southwood Smith, in the first organised attempt to improve the public health of the country, and he could bear testimony to the difficulties which beset them in the prosecution of their arduous labours. Against his noble Friend no imputation whatever could be made—the estimate which the public had formed of his character and services ought to have shielded him from the attacks to which he had been subjected. In respect of Mr. Chadwick and Dr. Southwood Smith, the case was not so fortunate, inasmuch as those gentlemen had not the same opportunity as his noble Friend of making their defence as public as the attack. After what had passed he felt bound to say thus much, that he quite agreed with the right rev. Prelate in the opinion which he had expressed respecting the two measures of our time which seemed to him beyond any others to have affected the internal condition of the great body of the people—the amendment of the Poor Law and sanitary reform; and he sincerely believed that the most efficient agent in originating and in producing those two great fundamental measures, and in clearing away a host of obstacles which beset their early birth, was Mr. Chadwick; and to one or other of these measures he had ever since devoted his time, his health, and his strength. It might undoubtedly be true—to say nothing of the multiform actual hostilities which every large measure of amendment was sure to stir up and exasperate—it might be true that, on taking up any great question or idea with enthusiasm, a certain portion of positiveness and precipitation might be mixed up with it more than was desirable; but he trusted that our contemporaries would not refuse to those who had established great principles and introduced large measures, some portion of that gratitude and honour which were certain to be awarded to them by an intelligent posterity. In respect to Dr. Southwood Smith, he owned he felt still greater difficulty to account for the attack referred to; for that gentleman had always seemed to him to combine with very meritorious services the most unobtrusive and inoffensive spirit with which he had ever come in contact, and which alone ought to have disarmed all angry censure. His professional experience, which he had acquired during a practice of more than twenty years in the wards of the London Fever Hospital—acquired too at the risk of his own life, for he had been attacked by fever no less than three times—the experience which he had thus acquired had been brought to the aid of the public at large, to protect them from those dangers which had been proved to be as extensive as they were direful. His knowledge had been most valuable in the drawing up the Quarantine Reports, and during the prevalence of cholera he directed his attention peculiarly to premonitory symptoms and house-to-house visitation. These were some of the benefits which Dr. Southwood Smith had conferred on the public at large; and he would express a hope with regard to both his distinguished friends, that to whatever obloquy they might find themselves for a moment exposed, the consciousness of the good they had done, of the evil they had prevented, of the lives which, under God, they had been privileged to save, would be to them a sufficient consolation.

Lord BROUGHAM said, that his noble Friends who had already spoken had only done an act of strict justice in bearing their testimony to the merits of the individuals whom they had so ably defended. He well remembered the services—the invaluable services—of Mr. Edwin Chadwick, both with regard to the Poor Law Commission and the inquiry into the state of the poor and the Poor Law; and he could most distinctly state that to Mr. Nicholl and Mr. Chadwick were mainly due the success both of the inquiry and of the great measure which grew out of it. How far the country had benefited by their labours, he need only remind their Lordships by stating the simple fact of the difference in the poor law expenditure at the present time as compared with the year 1813 and the year 1834, when the Bill passed. When compared with the year 1813, regard being had to the relative population of the country at the two periods—the expenditure during the last year would, at the rate of 1813, have been 11,746,000*l.*, whereas it actually fell short of 5,000,000*l.*, being 4,939,000*l.* But that result of the change, easy for the purpose of comparison, was the least important, compared with the benefits which had been conferred on the poor, whose condition had been so greatly improved, and was likely to continue to improve.

On Question, *agreed to.*

NEW ZEALAND.

Lord LYTTELTON* then rose to move for "certain papers relating to New Zealand;" and to call the attention of the House to the proceedings of the Governor of New Zealand in giving effect to the Act for granting a representative constitution to that Colony. The subject had already been discussed in the other House of Parliament, and as he considered the defence of the conduct of the Governor quite unsatisfactory, he felt bound, in deference to the wishes of many of the colonists, to bring the matter under the notice of their Lordships. He admitted that in many respects Sir George Grey had shown himself not only an able but a good and successful Governor. He had been so financially beyond all question. He had maintained peace, discipline, and order—and although there had been some exaggeration in this respect on the part of his admirers, he was willing to admit that he had dealt successfully with the native population. But he had shown himself unfitted for the introduction of a constitutional system for the English people, and it was much to be regretted that the inauguration of that system had been intrusted to his hands. The noble Duke was aware that there were many complaints against the Governor of New Zealand; but on the present occasion he proposed to confine his remarks to the proceedings of Sir George Grey under the Constitution Act of New Zealand, chiefly as to his mode of dealing with the waste lands of the Colony, and his delay in summoning the General Assembly. It had been said that it was not likely Sir George Grey could have mismanaged affairs under the Act, when he himself had framed and suggested it. That statement was inaccurate; but even if accurate it would not be relevant. It was not correct to say that the measure suggested by Sir George Grey was substantially in all respects the same as the Act which passed. Sir George Grey proposed that the Legislative Councils should be formed on the old model, and that one-third should be nominated by the Crown. He did not propose to give the colonists the control over their own land—he did not propose to give the colonists the power to vary their own constitution, nor to vary the sums paid under the civil list. He (Lord Lyttelton), however, did not dwell upon this, because, in any case, it would only show, assuming that mismanagement could be proved, inconsistency between the professions and the acts of the Governor. Now he had always felt that the late Government, whatever their other merits and demerits, was entitled to lasting gratitude from all persons interested in colonial affairs, for the Constitutional Act of New Zealand. Well, "*corruptio optimi pessima;*" and the more welcome and the more suitable was that great gift to the colonists, the worse was the case that it should have been marred and embittered in the giving. He said "welcome and suitable," and he dwelt more on the latter than the former; for the question was, not what the colonists wished for, but what duties they ought to be required to perform. He did not doubt that the acts of Sir George Grey were acceptable to many persons in the Colony. They were acceptable not only to all the land sharks and speculators in the community, but to those who entertained a strong opinion as to the necessity of a reduction in the price of land, and who, provided they could obtain what they required, cared very little about the means employed for that purpose. The question for the consideration of their Lordships was, what were the intentions of Parliament on the subjects to which he was now directing their attention? He would first take the price of land. The distinguishing feature of the constitution of New Zealand was that Parliament conceded to the colonists the control over their waste lands; and considering the circumstances of the case, he admitted that to have been a wise and a just concession. The concession was made to the colonists themselves, in their own constitutional assembly. The complaint against Sir George Grey was, that upon that great concession being notified in the Colony, he took upon himself to exercise that great authority, given not to him, but to the colonists; that he issued, almost immediately, a proclamation on his own authority, making the most sweeping changes in the whole system of the price of waste land, lowering the price one-half in some cases, and three-fourths in other cases. He did not wish to dwell further on the detail, but to direct the attention of their Lordships to the principle. No doubt Sir George Grey might have done worse, for he might in strict law have followed the example of his predecessor, and brought down the price of land to a penny per acre. Now, what was the justification offered for Sir George Grey? There were two clauses in the Constitution Act of New Zealand bearing on this point. One of them gave power to the General Assembly to make laws for regulating the sale and disposal of waste lands, providing that, until the Assembly should otherwise enact, it should be lawful for Her Majesty to regulate such sale by instructions issued under the royal sign manual. The justification of the Governor was founded on a subsequent clause, which provided that it should be lawful for Her Majesty, by letters patent or signified through one of the principal Secretaries of State, to delegate to the Governor any of the powers reserved to Her Majesty respecting the regulation and sale of waste lands; and the case of the Governor, founded on the clause, was contained in the preamble of his proclamation, stating that such power had been "delegated to the Governor by instructions received from Her Majesty's principal Secretary of State for the Colonies." Now, the question was whether these words were literally correct or not. So far as we were informed they were not even literally correct, for no such instructions were to be found. Certainly he was almost compelled to believe that such instructions had been issued, because he had been told so by the highest authority, and therefore he had moved for them; but he was bound to say that he suspected there was some confusion of memory on the subject, and that what was really referred to was a document which did appear, and which did not by any means bear out the conclusions founded upon it. Two despatches were written by Sir J. Pakington shortly after the passing of the Act, the first of them dated the 16th July, the second dated the 21st July, 1852. The latter despatch informed the Governor that he had the power to deal with the price of these lands, but stated that it was by virtue of the despatch of the 16th of July. Now, that despatch contained no such power. He found, too, from a statement in a colonial newspaper, that the civil secretary at Wellington stated that no such instructions had been received since 1850; and he presumed that no one would argue that either a general transmission of an Act providing for the conveyance of such a power, or an erroneous reference in a subsequent despatch, as if such a power had been given, would be enough for the purpose. Nevertheless, he would assume that such instructions had been given; but he denied that they could go beyond the powers of the Act itself, and he contended that it did not give the Governor the power of dealing with the price of waste lands. The first clause of the Act conferred an unreserved power on the Assembly to make laws for regulating the sale of waste lands, but the power which it conferred on the Crown was to regulate them by instructions under the royal sign manual, that is, according to the existing law; and the reduction of price was in direct contravention of the Act of 1851. It was not a simple delegation of power, but the powers were to be delegated or issued under the

Royal sign manual. The instructions which he wished to see were the instructions so issued. There was a strong presumption that the powers were not so conferred, because in the papers on the table it would be found that Sir John Pakington did delegate the power of dealing with the land in Canterbury without any instructions under the sign manual. Next, if it was allowed that the Governor had an unlimited discretion to deal with the price of land, he contended that what he did was a gross abuse of that discretion. He could conceive the possibility of cases in which it might have been expedient to give the Governor an unlimited discretion in dealing with waste land. There might be cases of individual hardship and peculiar dealings with the natives which might make the use of such an authority desirable; but any such power ought to be exercised with the greatest jealousy and care, and only in exceptional cases, instead of universally. There were also grave faults of detail in the proclamation, such faults as that of throwing open, contrary to established rule, great masses of land without any survey, of placing an uniform price on land in settlements of most various circumstances—the necessary instability of an arrangement which must needs soon come to be reviewed and perhaps reversed by the Assembly, and the absence of any proper provision for priority of choice in the selection of land. He would now pass to another point, and state a fact which would startle those persons who took an interest in the subject. The view which he had taken was taken also in the Colony, and was submitted as a strict point of law to the Supreme Court. That Court twice over, after deliberate argument, decided that the proclamation was illegal, and a solemn injunction was issued by the Court declaring that illegality, and restraining all parties from acting on the proclamation; but the Governor took no more notice of that injunction than if it had been mere waste paper, and the Supreme Court an entire nullity. What would have been the course followed by the Court of Queen's Bench in this country under its present or still more its late head, if its injunction had been dealt with in such a manner? The persons disobeying it would have been committed. Assuredly there was no danger of any such proceeding being taken in New Zealand. From the system that had been pursued in our Colonies, they were in many of these respects some one hundred years behind this country. It was just 100 years since, in this country, the Crown had been put on that great reform in our constitutional system, the judicial independence of our tribunals. Such was not the case in any colony, and a judge was there liable to be suspended and his salary stopped by the executive authority. The answers which had been given to the charge were so strange as to be almost unintelligible. Some persons had even questioned the issuing of such an injunction; he could only say that the fact was quite notorious. It had also been said that the Governor was not aware of the existence of such an injunction. Such an excuse could in no case be admitted, for the Governor was bound to know of the proceedings of his own Supreme Court. But besides this, in the blue book it would be seen that the Governor himself sent home copies of letters, distinctly informing him that the injunction had been issued. Another defence set up was, that Chief Justice Martin had reviewed and reversed the decision; but that was both untrue and impossible, for he had no such power of reviewal nor reversal. Then, again, it was said that the Governor received information that the injunction was not to be prosecuted by its promoters; but that was a bitter mockery, for if so it was because the Court was too weak to act upon its authority. But it was beside the question, for the fact that the opinion of the Court had been pronounced was alone material. Assuming, next, that the Governor had acted perfectly right, that he felt it his duty to take into his own hands the power which was given as a permanent authority to the colonists, could there be a stronger argument for his calling into existence, at as early a period as possible, the General Assembly, on whom the power of dealing with land had been conferred? The Act arrived in the Colony on the 22nd of December, 1852. The Governor, who was intrusted with the power of carrying it into operation, left the Colony about the 6th of January, 1854, and the General Assembly met, or was to meet, on May 24th last. This delay was enormous and excessive, and could not possibly be justified. In answer to that charge, it was said that the Governor had used all possible expedition, and that it was not possible to call the Assembly together earlier. He did not desire to impute wilful misrepresentation to any one, but as to this alleged fact of a physical impossibility, he must say, *credat Judæus.* Such an excuse never could have been made in the Colony; neither the Governor nor any of his officials ever hinted at any such difficulty or impossibility; nor had any friend or opponent conjectured it. Addresses from the councils of Wellington and Nelson—one of them, at least, drawn in a spirit friendly to the Governor—said they could not conceive any reason for the delay. He had recently seen a colonist, just arrived from New Zealand, who told him such a plea was never set up in the Colony, and if it had it would utterly have been scouted; and lastly, he had the evidence of the Governor himself. He himself said, in December, 1852, and again in February, 1853, that the Assembly could meet on the 30th of September, 1853; but he made it impossible by his own acts. He took nearly the full time before he proclaimed the Act—he took the full time to the last minute before he caused the writs to be issued for the return of the Members to the Legislative Assembly—and he did not name any time at which the writs were to be returned. In his own former ordinance he had specified sixty days for the northern province, ninety days for the southern, as the utmost time needed for the return of the writs. The returning officers were his own servants, and he should have required the returns by a certain day. It was then said, that the Governor was unable to convene the General Assembly until the writs had been returned. But there was no such proviso in the Act. And the same ships that brought back the writs might have brought the Members also; so that the Assembly might have met as soon as the writs had been returned. It was said, further, that he could not issue the writs until he knew who the electors were to be. But why was it necessary that the electors should be known before the writs were issued, and their return in due course called for? It was said, also, that the Governor had so much to do under the Act that it was impossible for him to proceed with greater despatch than he had done. With respect to this, he must say that he did not think the friends of Sir G. Grey acted very wisely in calling attention to his proceedings under the ordinance for the establishment of provincial councils; for, although it was quite true that in some important respects the two Acts were very different, in many minor points they were precisely the same; and provisions had been made with respect to electoral districts, to the qualifications of electors, to polling places, and to other matters of detail, a year or two before the Governor was called upon to put this Act into operation. He had, therefore, nothing to do but to reprint what was ready to his hand. There were one or two consequences of this delay to which he would call the attention of the House. It had caused an entirely illegal appropriation during several months of the revenue of New Zealand. The Governor had said before that he saw no difficulty whatever in the General Assembly being called together by the 30th of September; and, accordingly, under the provisions of the old constitution, he had caused an appropriation ordinance to be passed, which expired upon that day. After that time, from the 30th of September until May, there was no legal authority in the Colony for the appropriation of the public money. It was said that that was an unfortunate dilemma—that it was the fault of the Act of Parliament, which only enabled the General Assembly to deal with the revenue raised by itself. But it was not the habit of the Parliament of England to leave important matters of that kind to the chances of an unfortunate dilemma, and if there was a difficulty in convening the General Assembly at the time which had been named for its meeting, there was at all events a power of calling the old council together, to which the power in such a case was distinctly continued in the Act. It was said that he acted in the spirit of the Act; but there was no difficulty in acting both in its spirit and its letter. The Governor appropriated two-thirds of the revenue to the provincial councils and one-third to general purposes; but that was according to his sole judgment, whereas it was a matter reserved for the General Assembly. The Act provided that the General Assembly should take whatever portion of the revenue it required, and should give the surplus to the provincial councils. By such proceedings as these the proceedings of Parliament had been set at nought. But let their Lordships observe the effect on the provincial councils. It had almost compelled them—at all events had strongly tempted them—to become participators in this illegal appropriation of the revenue of the Colony. Some of them had yielded to the temptation, while others, refusing to receive what the Governor had given, had been obliged to raise a revenue themselves within their own limits, contrary, no doubt, to the general intention of the Act of Parliament, but in the exercise of their general legislative powers, and in an inevitable choice of difficulties. It was a cruel addition to their ordinary duties to impose upon them a responsibility of this kind. But another effect of the delay was obviously to cripple these provincial assemblies in dealing with their own resources. Their Lordships were aware that in this Act, as in all similar Acts, several important matters were reserved to the General Assembly, and the provincial councils were forbidden to deal with them. Still, although they were forbidden to deal with them, they were matters of great importance as affecting the interests of the provinces, who naturally looked to the General Assembly to know to what extent they were to have power to deal with those subjects, or what the General Assembly would do for them. He need only enumerate some of the questions to which he was referring. They included, among other things, the regulation of the post office, the law of bankruptcy, the regulation of marriages, and, above all, the dealing with waste lands. Now, how could the provincial councils properly discharge the important functions which devolved upon them until they knew whether or how far they were to have power over their own resources—over the waste lands within their own limits? Yet the provincial councils had not known—and for aught he knew they did not know to this day—whether they were to have this power or no. So much for the Governor's proceedings with respect to the representative part of the General Assembly; but, besides that, he was called upon by Sir John Pakington to proceed without delay to the selection of the nominee part of that Assembly; and instead of obeying those instructions, he had not selected them at all. He believed the only answer upon this point was, that he had waited to see what Members would be elected; but this was no answer, for the proper course for the Governor to have pursued would have been to have at once selected those whom he thought most fitting to be nominated; and if they had subsequently been elected also, they must have done what was always done in the case of a double election in England, and have made their own choice as to the character in which they would serve. He had moved for a paper upon another subject, which was not of so great importance, but which still he was anxious to see. It concerned the leave of absence given to the Governor; for he (Lord Lyttelton) would not believe, until he saw it, that it was ever intended he should leave the Colony, until the General Assembly had been called together, and he had seen the constitution in operation. In spite of all this, Sir George Grey had been rewarded and promoted; but, notwithstanding his reward and promotion, he could hardly think the noble Duke would defend him with respect to the conduct to which he had referred. It was a right principle to uphold and defend as far as possible the colonial Governors, but there were things which were more important still—the rights and interests of the colonists, obedience to Parliament, and respect for the law. He well knew the immeasurable insignificance in which such subjects appeared at home, and if these matters of which he had been speaking were matters which should properly be left to the colonists themselves, he should be very glad if the people of this country cared even less for them than they did. But when political franchises were given, as in the case of New Zealand, some time after a Colony had been established, they must needs be given definitely and exactly through the supreme executive authority in the Colony, acting in behalf of the Crown; and the matter was one which ought, above all others, to be carefully watched at home. He knew how hopeless it was that this should be the case now; but he thought it might be a satisfaction to the colonists of New Zealand that one voice at least in that place—and that voice one to which from circumstances they had perhaps some reason to look—should be raised against proceedings he really believed as arbitrary and indefensible as had ever been brought under the notice of Parliament. The noble Lord concluded by moving—

> "That an humble Address be presented to Her Majesty, for Copies of any Instructions not already laid before Parliament from the Secretary of State to the Governor of New Zealand, with reference to the Regulation of the Price of Waste Lands during the Time previous to the first Meeting of the General Assembly of the Colony: And also, a Copy of the Letter from the Secretary of State to the Governor of New Zealand giving him leave of absence."

The Duke of NEWCASTLE: My Lords, I most sincerely deplore the present state of this House; for I cannot but feel that not only is it difficult in addressing a House, with such an attendance as the present, to enter at that length into the answer to my noble Friend which I feel is due to the gentleman who has been attacked; but I regret it, also, because I do think that when the character of an eminent man, and one who has rendered great public service, is attacked, it would be desirable for his sake, and for the sake of the public, that a greater number of your Lordships should be present, and should hear both the attack and the defence. My Lords, my noble Friend began his statement by saying that he had many causes of complaint against Sir George Grey, but that he would confine himself to only two or three. Now, though undoubtedly it may seem inconsistent with what I have just said as to the state of the House, nevertheless, I cannot help deploring that my noble Friend did not mention in detail the whole of the causes of complaint which he feels to exist against the late Governor of New Zealand, because undoubtedly it is not altogether fair—I am sure my noble Friend did not intend to act unfairly—but it is not quite fair that, in attacking the character of a public servant, he should begin that attack by stating that there are many causes of complaint, and yet only enumerate a few of them;—for the public, being left in the dark as to what those other causes of complaint are, may be led to believe that they are of a very important and serious character; whereas I am myself inclined to think that my noble Friend has not brought them forward to-night because he has himself, by subsequent events, become convinced of the exceedingly trivial and insignificant character of those complaints, and feels that they are not worthy to be laid before your Lordships' House. I can only say I have attended carefully to those other causes of complaint as I have heard them, or as they have been laid before the other House of Parliament, and I came down here this evening fully prepared to meet every one of them if my noble Friend had brought them forward: at the same time, it would undoubtedly be unbecoming in me to enter upon any answer to attacks which have not been made here, and which, therefore, I am not called upon and should not be justified in entering on. But my noble Friend proceeded to concentrate his attack principally under two heads, branching collaterally into one or two matters of detail, to which I will call the attention of your Lordships by and by. These were—the conduct of the Governor in reducing the price of the waste lands, and the delay in bringing the constitution into operation. Now, my Lords, my noble Friend said that this great boon of a constitution to New Zealand had been impaired and embittered by the way in which it had been given by Sir George Grey. These are undoubtedly strong words, and I think they require more startling facts, even if these facts could be substantiated, than my noble Friend brought forward to justify them. But I hope I shall be able to show your Lordships that those statements of my noble Friend cannot be substantiated, and I will take, first, the price of the waste lands, as that was the first in order in my noble Friend's speech.

My noble Friend says that this reduction of the price of land by the Governor was at variance with his duty and with all sound principle, and that he thought he might just as well have reduced the price of land to one penny an acre, as was done by the gentleman whom he succeeded in the Government—[Lord LYTTELTON: I said as regarded the strict legality of the act.] My noble Friend says now as regards the strict legality of the act. I shall come to that question presently; but I certainly misunderstood him; for I thought he was referring to the policy as well as to the legality of the transaction. However, I will first take the legality of this proceeding; and I must remind my noble Friend, when he throws this great doubt on the legality of the conduct of the Governor, that he was one with a great number of other gentlemen who did me the honour of waiting upon me at the Colonial Office some time ago to remonstrate against this and other acts of Sir George Grey. At that time the despatches had not been received from New Zealand, and, therefore, I was not in possession of that full information on this subject which I possess now. My noble Friend stated upon that occasion, that the deputation which came with him to make that remonstrance had differed most widely upon all other subjects up to that moment—[Lord LYTTELTON: That shows how bad the case was.] My noble Friend says now, that shows how bad the case was, but I am not by any means sure of that. It is capable of two different constructions. It may mean that gentlemen who have been thwarted by the Governor, combining together to attack him, have agreed to sink their differences for the time for the purpose of promoting their own views, and of thwarting his. But my noble Friend said that this proceeding of the Governor in reference to the waste lands was an illegal act, both as contrary to the Constitutional Act, and as not being justified by the instructions which were given to the Governor by the Secretary of State. I at that time expressed extreme astonishment at this statement; but it was followed by another still more astonishing—that the deputation came with the authority of Sir John Pakington, who had been Secretary of State at the time when these proceedings had taken place, and who informed them that it had never been intended that any such act should be done by the Governor, and that no such instructions had been issued. I expressed astonishment at these statements, because there was an express clause in the Constitutional Act empowering the Secretary of State to give certain instructions to the Governor, and because I had seen, in my own office, a despatch from Sir John Pakington, giving to Sir George Grey the instructions which the Constitutional Act enabled him to give, for the purpose of carrying out this very power in reference to waste lands. My noble Friend says that at that time he made a mistake. Well, then, if my noble Friend made a mistake then, how is it that he comes down now, and, after admitting that it was a mistake, assures your Lordships that the Governor had no such powers granted him, and that he acted illegally? If he made a mistake then in telling me that no such powers had been granted, why does he repeat that statement now? [Lord LYTTELTON made an observation which was inaudible.] He stated then, that no such instructions had been given; he now states that there was no power given by the Act to issue them. My noble Friend may be a very good lawyer—but a lawyer drew this Bill; he was instructed so to draw it as to give such powers; he believed that he had given them; others, who have examined the Bill since, believe that it gives those powers; and with all respect for the opinion of my noble Friend, I am entitled to attach greater weight to the opinion of the lawyer who drew and of those lawyers who have since examined it, when they say that those powers are contained in it. This, at all events, I can positively say—that it was intended by the Government to give those powers, and that instructions, in accordance with those powers, were issued by Sir John Pakington. Well, so far as regards the legality of this transaction. Of course there remains another consideration. If it was legal, was it politic or wise? My noble Friend proceeded to say that even if the legality of the conduct of Sir George Grey could be substantiated, he considered this one of the grossest abuses of discretion which any Governor had ever exercised. Now, I must say, from what has passed this evening, and from what I have heard elsewhere, that I believe my noble Friend was entirely ignorant of the circumstances under which this power was exercised. At the time when the instructions reached the Colony there was an uniform price of 1*l.* per acre upon all lands. And Sir George Grey had to consider what would be the effect of leaving the price of waste lands to be dealt with by the General Assembly. The whole power over waste lands having been conferred upon the General Assembly by the Constitutional Act when they met, he had to consider what it might be necessary for him to do in order to guard against the inconveniences which might possibly arise out of the exercise of that power. If this had been a case in which the Governor had proceeded to act in reference to these lands before the General Assembly met, for the purpose of depriving that Assembly of the power and privilege of dealing with them, I should have thought—and I so stated to my noble Friend when he called upon me—that there had been an improper exercise of discretion. But such was not the case. How, then, did the matter really stand? With respect to land then in possession of the Crown, with which the Assembly would have had the right to deal, it was of a very limited character indeed. The powers of the Assembly, therefore, with respect to waste lands, would have been of a most minute description. But there was another class of lands, over which the natives held rights, pertaining to them, not as individuals, but as tribes, which would have been a fertile source of discord between the English colonists and the natives. The natives had always, heretofore, refused to part with those privileges and rights except to a very limited extent, for various reasons, which I shall come to by and by. But I wish, first of all, to point out the position of the English colonists, and the state of opinion among them. There had been two parties among the colonists, holding, upon the land question, very different views. There was one party who held the opinion—which I must say appeared to me most just—that we had only a right to such lands as we could obtain from the natives by purchase. There was another party which maintained that the Crown had a right, by virtue of its prerogative, to all lands to which no counter right could be substantiated by the natives. Your Lordships will see that such a proposition involved very dangerous questions, supposing it came to be disputed in the General Assembly; and it was under such circumstance that Sir George Grey, who had acquired an influence and a power over the natives which no English Governor had ever before possessed, employed that influence successfully in inducing them to do what I am confident, and I defy my noble Friend to dispute it, no other Governor could have persuaded them to do—he induced the natives having rights over a vast tract of land to abandon those rights which they had exercised, to turn over the whole for a very insignificant sum, and to expend the money which they so received in the purchase of so much of the land as they desired for their individual purposes. Thus by this means a most important part of the colony of New Zealand—the middle island—was almost entirely cleared of the rights of the tribes, and except those small portions which were purchased by the natives as individuals, the whole of the middle island became vested in the Crown—and it devolved on the General Assembly to deal with it. So far, therefore, from depriving the General Assembly of any rights or privileges which they would have possessed over the waste lands of the Colony under the powers of the Constitutional Act, he has not only handed over to that body the small district which then belonged to the Crown, but he has handed over with it the whole of the middle island, cleared of those rights and privileges which had been previously exercised by the tribes. The benefit, therefore, is far greater than it would have been if Sir George Grey had failed to act as he had done. But then, my noble Friend asks, why was it necessary, in order to carry out this arrangement, that he should lower the price of land? My answer is, that if my noble Friend had watched these matters more narrowly, he would have known that one reason why the natives had so obstinately persisted in refusing to dispose of their land at all, was the high price at which it was retailed to the colonists, and the immense advantages which were supposed to accrue to those who purchased it and then resold it to others. I dare say my noble Friend will say that the advantages at 10*s.* per acre were so enormous that 1*l.* per acre, although double, will not affect the question. That may be so to our judgment, but we cannot deal with the native intellect or with native prejudices as we would do with Europeans; and in transactions with native tribes, whatever their whims and fancies, we must humour them to a certain extent—we must deal with them as we find them. There is no doubt they had refused to sell the lands up to that time, and there is no doubt that they did sell them at the time to which I have referred; and coupling these facts together, with another to which I have before alluded—that no other man than Sir George Grey could have accomplished this object—I say that, instead of blame, he deserves the thanks of the colonists. But my noble Friend said—and it did astonish me very much—that he could not conceive how the Governor could deal, upon one uniform plan, with all waste lands of the colony, considering the very different circumstances in which the settlements are placed. He did not deal with them upon one uniform plan. He did not reduce the price where he had reason to believe, from what had passed before, that such a proceeding might be detrimental to the interests of the settlement; and in that particular part of the Colony in which my noble Friend is more particularly interested—the settlement of Canterbury—he never attempted to introduce it in any way whatever; on the contrary, the proclamation which was issued expressly exempted Canterbury from its operation. Why, then, does my noble Friend say that Sir George Grey attempted to introduce a uniform system in the Colony when the proclamation shows he did nothing of the kind? But even if he had, he would only have been substituting a uniform price of 10*s.* per acre for what was before a uniform price of 20*s.* Well, now, my noble Friend proceeded to lay a very grave charge against Sir George Grey, for he stated that his conduct was so strongly disapproved that an injunction was obtained from the Supreme Court to prevent his carrying his intentions into effect. In the first place, I do not admit the fact that any great discontent prevailed with respect to the conduct of the Governor. I am aware that two gentlemen with whom I had been long on terms of intimacy, and for whom I feel the greatest possible respect, having just arrived from England, and knowing very little of the Colony but what they had heard in England, did apply for an injunction to the Supreme Court against the Governor. But my noble Friend, I have no doubt unintentionally, and without weighing very well the force of the terms which he employed, stated that that injunction was issued against Sir George Grey. Now, my Lords, I deny that. The injunction never was issued. It was undoubtedly applied for, and was granted, but it never was issued. I am speaking in the presence of a noble and learned Friend who can set me right if I am wrong, but I think my noble and learned Friend will bear me out when I say that there is the greatest possible difference between the one and the other. My noble Friend says the injunction was treated as waste paper by the Governor. If it had been issued, that statement might have been justified; but I have said that issued it was not. Why, then, was not the Supreme Court moved to further action in the matter? My noble Friend—speaking not quite so broadly as some other people have done, but still with sufficient significance—says that the Court would not have dared to do so. Now, I must say that on such facts as are before us, on such evidence as my noble Friend possesses, it is a little too bad to imply—for it is an implication—such a charge against the late Governor of New Zealand. I do not know whether from the words of my noble Friend I should have understood its meaning, if this charge had not been made more specifically by others. What is it? Clearly that the Court did not dare to issue the injunction, although it was applied for and granted, because, under the rules affecting the Colony, the Governor had the power of superseding the Judges—a power granted whether rightly or wrongly we are not here to discuss—but granted, undoubtedly, to meet great cases of exigency and great cases of delinquency on the part of those Judges, and not for the purpose of vindicating any supposed privileges of the Governor. It is, therefore, to be supposed that no further action was taken—these gentlemen did not call on this Court to issue the injunction—out of consideration for the Judges, because they were under the impression that the Judges would be superseded by the Governor if they took that course, which they were bound to take, supposing their judgment to have been correct. My Lords, I say that to put forward such a subterfuge on the part of those gentlemen who applied for the injunction, is unworthy of them. At the risk of all hazards to the Judges—if they really believed Sir George Grey would be so forgetful of his duty as to attempt anything so monstrous—I say without question, that these gentlemen, if they thought that this proceeding of the Governor ought to be prevented, were bound to have proceeded. Having applied for and obtained the injunction, they ought to have gone on to issue it, and then the legality of the matter might have been tried. My Lords, they did no such thing; the matter was permitted there to stand; and I say that Sir George Grey was not only justified under all the circumstances of the case, in proceeding as he did, but he had no other course to take.

But, my Lords, my noble Friend then proceeded to the other part of his case, to the delay on the part of the Governor, and the difficulties he threw in the way of the meeting of the General Assembly. Now, my Lords, to what does this charge amount? Does it mean that the Governor evaded the Act of Parliament? No, but that he literally fulfilled it. Does my noble Friend, or do those who have followed up this attack on Sir George Grey, intend to say that in any one instance the Governor exceeded the time within which each separate act was to be performed? No, they do not; but they say that he waited until the last day authorised by the Act of Parliament. Now, my Lords, supposing this to be true, which I am bound to say it is not, a more frivolous charge against a public man was never made. What was the meaning of Parliament giving this discretion, but that the Governor might be able to choose, within the prescribed limit, what might be, in his judgment, the best possible time for taking the necessary steps? You may say he judged rightly or wrongly; but to make it a matter of grave accusation, does indeed surprise me, and I think it will surprise your Lordships and all who look at the facts. I doubt whether, in any other instance, in bringing a constitution into operation, the latest day allowed by Parliament has not been uniformly taken, and I believe that in the case of the Cape of Good Hope—although I have not looked back to see—every single step in the proceedings was taken on the last day. But my noble Friend is wrong as to the fact; for the most important step towards setting the machinery in motion—the proclamation of the new constitution — was issued in three weeks after it reached the Colony, whereas the Act of Parliament allowed six weeks. Sir George Grey, therefore, on the very first opportunity that was afforded him, showed that his animus was not delay. Is it unfair to suppose that in the other cases there were good reasons for choosing the last instead of an earlier day? I have gone through all the various steps connected with this matter, and I must say that the twelve months for the whole transaction, from the beginning to the end, originally given by the Act, was a short time; but within that time everything was done. But the powers given to the Governor by the Act were in fact to frame a constitution; and to him were left all those matters of detail which in other cases have been carried out by the Secretary of State at home, or by some legislative authority in the Colony. He had to define the provinces, to define the electoral districts, to decide of how many Members the Legislative Councils should consist—of how many the General Assembly; to determine how many of these should be elected, and how many should be nominees; to decide who the nominee Members should be, and, in short, he would not say frame a Reform Bill, but to work out a vast number of preliminary details before the constitution could be brought into operation, requiring a great deal of local information, and necessarily occupying time. And when, in addition to these circumstances, you come to consider the great distance of these settlements from one another, and that the only means of communication is by water, and that, too, at uncertain times, I must say I see no reason for charging Sir George Grey with delay in bringing the constitution into operation, even if the Act of Parliament did not sufficiently shelter him from any accusation of that sort. So far from setting at nought the provisions of the Act of Parliament, I think I have shown that he has executed them at every step. My noble Friend said that it was intended by the Act that the six Legislative Councils of the provinces and the General Assembly should be brought into operation together. I do not know what clause in the Act he can quote to substantiate that statement. I can only say I know of no such provision; and having attended to the passing of the Bill through this House, I never heard anything in the course of its progress which indicated such an intention on the part of the framers of it. And of this I am certain, there were good reasons why such an attempt should not be made—why the Legislative Councils of the six provinces ought to meet before the meeting of the General Assembly. In the first place, it was desirable that each of the Legislative Councils of the provinces should have the opportunity of considering their local interests, and passing many laws of considerable importance, before the meeting of the General Assembly; and they availed themselves of that opportunity. But must it not be palpable to your Lordships, and to every one who considers the subject, that in a colony of small population like New Zealand, where you have to find persons to represent each province in the Legislative Council, and moreover to find competent parties for representatives in the General Assembly, that, as regards the composition of the General Assembly, if it is to be formed of the best materials, it must include many individuals who are also Members of the Legislative Councils of the provinces? And so, undoubtedly, is the fact. One of two results must have followed their meeting at the same time. Either the Legislative Councils could not have been brought into work in consequence of the absence of so many at the meeting of the General Assembly, or the General Assembly would be deprived of the advantage of such Members as belonged to the Legislative Councils. The whole machinery, therefore, in the first year would be brought to a dead lock, instead of into harmonious operation, by the fact of the Legislative Councils not having met in sufficient time before the meeting of the General Assembly. My noble Friend says that the defence made on the part of the Governor, that the writs were not returned for calling the General Assembly, is invalid because there is no provision in the Act which requires it. I must take the liberty of saying, that I think if he refers to the 44th clause of the Act, he will find it was required that these writs should be returned before the General Assembly is called together. But I say the Governor was justified in studiously watching every possible requirement to see that he kept within the letter of the law, because, on the part of many who are now complaining of the delay in bringing the constitution into operation, there was an indication of an intention to render the whole constitution null and void if the Governor failed in acting legally in every step which he took.

My noble Friend then branched off into another topic—what he called the illegal appropriation of the revenues which stood over from the collections under the old system, to the Legislative Councils. Again I must dispute the illegality of this transaction. It has been held by lawyers, to whom the question has been referred, that the transaction was legal, and I believe there is nothing in the accusation of my noble Friend beyond the question, whether it was politic or right he should do so. I admit there is considerable perplexity in that part of the Constitution Act in which the Governor is called on to apply these revenues, and certainly it is no fault of the Governor that it was not made clear; for precisely the same provision was found in the old constitution, which the House will remember was suspended for four or five years, and at that time the Governor called the attention of the Secretary of State to the position in which he was placed by the perplexity attaching to that part of the Act; notwithstanding which remarks, precisely the same clause was introduced into the Act which passed two years ago, and, therefore, the Governor is not responsible for any consequent difficulty. As regards the appropriation being illegal, that can easily be tested. But I believe on the whole the Governor acted not only legally, but rightly, in the difficulty in which he was placed. The balance of the revenue, after meeting the charges specially cast upon it, had to be appropriated in some way. He felt that, with the old legislative body extinct, and the new one coming into operation (the Legislative Councils being assembled, and the General Assembly not yet called together), it was more in accordance with instructions on a former occasion—though there were no instructions which would quite meet this case—to hand over the balance, divided equally, to the Legislative Councils, as it would place them in funds at a moment when it was impossible they could have any other funds at their disposal, and when it would, of course, cause considerable embarrassment if they were obliged to proceed either by borrowing money or without any money at all.

My noble Friend says that he considers that Sir George Grey's conduct in coming away at the time he did is most reprehensible, and he should be glad to see the terms in which my leave of absence was couched. I say at once, Sir George Grey did not act at variance with the permission given by me in that despatch. When Sir George Grey applied for leave of absence, which I received within a fortnight of my appointment, I wrote, in reply, giving him leave of absence, but upon two conditions, that he should wait until the whole of the arrangements were made for bringing the Constitution Act into operation, and that he should be assured the state of the native population was sound, and that there was no apprehension of insurrectionary proceedings, as on a former occasion, in consequence of these free institutions being given to the Colony. Sir George Grey attended literally to these instructions. He waited until the last stage in bringing the Constitution Act into operation was reached, and he left the Colony in a state of profound peace and contentment, receiving addresses expressing regret at his departure, not only from the inhabitants who had proceeded from this country to colonise it, but from the natives; and those addresses, which I have seen, were of the most affectionate and interesting description. It is somewhat hard to charge Sir George Grey with culpability in leaving the Colony at the time he did. What were the circumstances under which he asked for leave of absence? Seventeen years of colonial services he could show, out of which he had been in England three months only—thirteen years and a half of continual service, during which he had never revisited this country. At the time he was serving in South Australia, and the colony of New Zealand was in the greatest possible difficulty and danger, he was earnestly requested by the then Secretary for the Colonies, the present Lord Derby, to proceed from South Australia to New Zealand as a means of saving that latter colony. Lord Derby pressed it on him as a matter of duty, and I must beg to read only a small portion of that despatch intimating the opinion the noble Earl then entertained of the services of Sir George Grey. Lord Stanley writes—

> "After the repeated testimonials I have borne to the value of your public services in administering the government of South Australia, it would be very gratifying to me to prove my esteem of your public spirit and great ability, by proposing to you other offices of greater rank and superior emoluments; still I trust it will be a most welcome proof of the confidence Her Majesty reposes in you by inviting you to undertake duties more arduous and responsible, though recommended by hardly any other consideration. The necessity of a vigorous head in the government of

New Zealand is the single apology. To a man of your character, it will be ample apology for calling on you without previous notice, at some sacrifice and inconvenience, to proceed immediately to relieve Captain Fitzroy from that office."

In a subsequent portion of the despatches the noble Earl shows what were his anticipations of Sir George Grey, from what he had accomplished. "I know," he says, "he will meet difficulties with a firm disregard of any responsibility in which evident duty may involve him." I say Sir George Grey has justified the favourable expectations on the part of Lord Derby; and now he is accused of coming home too soon. He has fulfilled the duties which devolved on him, and he has stayed at great inconvenience to himself. It may not be delicate to allude to the domestic concerns of any man, but when a public servant is attacked I feel I am justified in referring to them. What were the circumstances which induced Sir George Grey to apply for leave of absence at all? I knew them not at the time, but I have learnt them since Sir George Grey arrived in this country, and the circumstances are these:—Sir George Grey had left in England one relation, and, so far as I know, one only, whom he was most anxious to see again before death should preclude that possibility. He had left a mother in England, and he was desirous of coming home to see her, and for that purpose, and that alone, he applied for leave of absence. Sir George Grey knew she was in an infirm state of health, and that every month was precious. He nevertheless fulfilled the duties I had imposed on him. He remained twelve months to carry out the constitution in a manner which I confidently anticipate will be most advantageous. He remained to his own bitter cost. If he had come away earlier, he would have attained his object. Sir George Grey arrived in England to hear, before he landed, that that mother whom he had come 16,000 miles to see lay on her deathbed, and before he reached her residence she had departed this life; and is it not cruel that he should be accused of coming home at an inopportune moment, when he remained and fulfilled all the duties imposed on him, knowing he was running the risk of the sad event which occurred? What was the first act of Sir George Grey? Having attended to those melancholy duties, he came up to town. He had left the Colony in profound peace. He found the mother country involved in a fearful and perhaps protracted war. He thought, under the circumstances, it was the duty of every man to be at his post, and on his first visit to the Colonial Office he told the permanent secretary, if it was thought desirable for the public interests, he was ready to return to New Zealand without a day's delay. That is the characteristic of the man, and of the public spirit which attaches to him. I do deprecate attacks on a man of that description, unless they can be borne out thoroughly by the facts. I have no doubt the noble Lord believes what he has been told, but I am confident further inquiry in the Colony will show there has been the greatest possible misrepresentation, and I say it is cruel that a man under such circumstances should have his hopes and his prospects blighted. I hope I am not departing from proper delicacy in divulging a private communication, but I must add to this that Sir George Grey has said to me, alluding to one of my last acts as Colonial Secretary—the appointment of him as Governor of the Cape of Good Hope—

"I feel the disadvantage under which a Governor must go to a new colony whose conduct has been brought in an adverse way before both Houses of Parliament. I know that imputations attach, or are likely to attach, even if they can be disproved, which in many instances they cannot without subsequent events. All I can say is, you have proved your good opinion of me by asking me to do further service to the country. I am gratified with that proof of approbation on the part of a public servant of the Crown, my superior in office, who has had the opportunity of judging of my conduct; but if, in consequence of these attacks, my means of usefulness are diminished, I hope you will press on your successor to reverse the proposal made to me, and to cancel it."

This is the man whose part I have taken, and for doing which I have incurred the censure of my noble Friend. I will not defer to my noble Friend, or to any other man, in friendliness to free institutions; but at the risk of being considered as having departed from principles which I hold dear, I will not be a party to sacrificing an able public servant, who, I believe, has acted with proper discretion, and with a due sense of the responsibility attaching to him, and I rejoice that the last act of mine at the Colonial Office was to reward and promote such a man. My noble Friend says he can hardly believe that I will defend the conduct of Sir George Grey. I have defended it in all the points which my noble Friend has attacked, and, as I have said before, I am ready to discuss every other accusation which may be brought against him. I have spoken specifically of Sir George Grey; but on behalf of the service generally I must say I cannot believe those are really the best friends of colonial government who bring accusations and charges against those who have performed the arduous duties of a Governor, without the clearest and most distinct proofs that everything they advance can be substantiated. Does my noble Friend really believe that it is for the advantage of the public service to bring public accusations against an able, disinterested, and honourable man like Sir George Grey? Our witty neighbours have taunted us with occasionally shooting an admiral *pour encourager les autres.* My noble Friend selects a Governor to attack, and he chooses, not one of inferior character, but one in high station, who is carrying out a plan which will be of great advantage to this country. That is the principal reason that I promoted Sir George Grey to be the Governor of the Colony of the Cape of Good Hope. It was because I had watched events in that Colony, I knew we had been involved in wars of long duration, and that on each separate occasion the main cause of those wars had been the ill-treatment of the native population—a spirit of encroachment on them which they would not endure—a want of dealing with the natives in an equitable and satisfactory manner. To save one or two millions more being spent in another Kafir or Zulu war was my paramount duty, and instead of selecting a man possessed only of great capacity to deal with constitutional government, it was my duty to find one possessing these requisites, and, moreover, possessing the power of dealing with native tribes and treating them with kindness. I confidently look forward to the career of Sir George Grey to justify my selection. I feel confident he will deal with the natives of the Cape of Good Hope as he has dealt with the natives of New Zealand; and if the result be as I anticipate, though I receive blame now, I shall be amply rewarded by the satisfaction of seeing the success of that man whom I have chosen in his conduct of Governor, and I feel certain my noble Friend on some future occasion will be the first to come forward with manliness and candour to express his regret that he should ever have said one word to derogate from the high character of Sir George Grey.

After a few words from Lord LYTTELTON in reply,

On Question, *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 14, 1854.

MINUTES.] PUBLIC BILLS.—1° Indian Appointments, &c.

2° Metropolitan Sewers; Returning Offices; Russian Government Securities.

Reported—Poor Law Commission Continuance (Ireland); Royal Military Asylum; Benefices Augmentation; Joint Stock Banks (Scotland); Criminal Justice.

3° Highway Rates; Savings Banks; Heritable Securities (Scotland); Turnpike Trusts Arrangements; General Board of Health; Registration of Births, &c. (Scotland); Friendly Societies (No. 2).

BRIBEBY, &c., BILL.

Order for Committee read, House in Committee.

MR. VINCENT SCULLY said, he begged to move to leave out certain words in the clause relative to the appointment of election officers; namely, that, in case the candidates or their agents not being able to agree upon a person to act as election officer, the returning officer should before the nomination appoint such election officer himself. He considered that if this provision remained part of the Bill, there was nothing whatever to interfere with the power of the returning officer to appoint any one he pleased. By the 19th section of the Bill, all claims were to be sent in to the candidate or his agent, and by the subsequent clause the candidate was to make a declaration to the election officer of the correctness of the claims, and that he had paid no expenses except advertising and personal expenses. The candidate must not pay a single farthing beyond those expenses which were legalised by the Bill, except through the election officer; he was to send in all bills and charges to the election officer within a month, or be liable to a penalty of 50*l.*, and 20*l.* for every week of his default. The result of this enactment would be, that the candidate would have to go through all the accounts sent in to him, and if he made any mistake or paid what were considered not legal expenses under the Act, he would be liable to a heavy penalty. In point of fact, all the expenses of the election would have to go through the hands of an irresponsible and, perhaps, partisan election officer without security at all, who would be enabled to put a veto on any particular expense, and expose the candidate to actions at law, which, by the subsequent clauses of the Act, were not allowed to be settled without the consent of the election officer, and if decided by the Court, a copy of the judgment was to be sent to him. Considering, therefore, that such election officer might be a partisan, it showed considerable want of care in the preparation of the Bill to invest him with such powers over the candidate. He (Mr. V. Scully) objected also to the payment by each candidate of a fee of 10*l.* to the election officer. How were they to define the word "candidate?" It very often happened that half-a-dozen gentlemen came forward at an election when not more than two or three went to the poll; yet by this Bill every one who addressed the voters might be termed a candidate and made to pay the fee. He thought if an election officer were appointed at all, he ought to be invested with something of a judicial character, and certainly not appointed in the way proposed. He therefore wished to omit that portion of the clause which enabled the returning officer, be he partisan or be he not, to nominate the election officer, be he competent or not competent, partisan or otherwise. He was willing that there should be a judicial officer appointed to discharge the duties of election officer, and after the omission of the words which he desired to exclude, he was prepared to move the insertion of words which would constitute the election officers on what he considered to be a proper and sound basis.

SIR JOHN SHELLEY said, he also had an Amendment to move in the same clause, which, as it came before that of the hon. Member who had just sat down, was entitled to be taken first. He considered it extremely desirable, when they were making provisions which would so stringently affect candidates, that the word "candidate" should be properly defined. Was a candidate a man who had been regularly proposed and seconded on the hustings, or one who had merely addressed the electors through the medium of a newspaper? He should move to substitute the word "after" for the words "previous to" the nomination, in the 4th line of the clause.

SIR FITZROY KELLY said, that the strict legal meaning of the word "candidate" applied, no doubt, to a person who had been duly proposed and seconded; but popularly, it embraced the wider sense of any person who presented himself to a constituency for election; and it was in this latter sense that the clause was to be understood. Its effect was, that, whenever an election was approaching, the candidates might meet together and agree upon the individual to be appointed as election officer some time even before the actual election.

SIR JOHN SHELLEY said, he thought that after the nomination the gentlemen who intended to go on as candidates *bonâ fide* could arrange how they were to carry on the business of the election.

SIR JOHN PAKINGTON said, he attached great importance to the part of the Bill in question for which the House was indebted to the hon. and learned Member for East Suffolk (Sir F. Kelly). If that part of the Bill which related to the appointment of an election officer was carried out in an efficient manner, it would be an important step taken to putting an end to bribery, by rendering it impossible hereafter to bribe. The more this was the feeling of the House, the more he was convinced of the importance of appointing a person of the kind, and the more important it seemed to him how that officer should be appointed. The plan recommended by the Select Committee, however, appeared to him to be open to some serious objections. In the first place, knowing the heat and warmth of a contested election, and how every man was open to suspicion of undue bias, it seemed to him highly improbable that all the candidates should concur in the nomination of one individual; it was, on the contrary, far more likely that they would fall out on the subject. The nomination would then devolve upon the returning officer. He (Sir J. Pakington) had asked an hon. Friend, a Member of that House, who had been a Member of the Committee, what were his views as to the person to be appointed, and he had answered that he thought the man to be appointed should be an impartial, clever, gentlemanlike attorney. It had been his fortune to know, in his time, a great many clever, and a great many gentlemanlike attorneys; but an impartial attorney, more especially in election matters, he considered a man not so easy to be found. He could not help thinking, therefore, that if the plan turned upon the appointment of this officer, it would be extremely difficult to work. He objected, therefore, to the plan in that respect. The officer in question should be, in his opinion, appointed upon some intelligible principle, and his duties strictly defined, otherwise there would be as much variety in their views and in their practice as there were returning officers for the whole kingdom. He could not, for his own part, see why election officers should not be appointed in the same way as revising barristers—a plan which had been in operation for twenty-three years, without the slightest imputation of partiality against those appointed. He felt much disposed to offer an Amendment to bring that suggestion to the test; but if the Committee was not disposed to adopt it, why not appoint an officer to name to all these appointments? That would give something like uniformity, and certainly it would be far preferable to the plan proposed in the Bill. He (Sir J. Pakington) should, however, prefer the appointments to be in the hands of the Judges, or some person of high station, duly qualified, as were at present those of the revising barristers. He thought it was important to have an officer whose position should be above supicion.

Mr. WALPOLE said, that the Select Committee to which the Bills of the noble Lord the Member for London (Lord John Russell) and of his hon. and learned Friend (Sir F. Kelly) had been referred, and of which he (Mr. Walpole) was chairman, had come, after much deliberation, to the conclusion that it was not advisable to appoint from sixty to eighty barristers, with judicial powers to determine the various delicate questions that would be litigated before them in the several boroughs and counties where elections took place. They thought that the adoption of such a plan would, in the first place, lead to great expense; and that, in the second place, it would not be satisfactory that the decision of a single barrister should be taken as conclusive upon the various questions that would be brought before him. At the same time the Committee did think it right that all bills should be paid through a public officer, by which means an easy method of detecting corrupt practices would be provided. He did not think it probable that the plan embodied in the present clause would produce partisan appointments; or that in consequence of it the chances of either party at an election were likely to be affected by any party feelings on the part of the election officer. For the Committee must remember that if the candidates did not themselves appoint him, he could not be named by the returning officer until the night before the nomination, since it could not be ascertained until then who were the candidates. It was a mistake to suppose that the election officer could be or could act as a partisan. His duties were chiefly of a ministerial character, to receive money and to pay the accounts. The clause, when read carefully, would not be found so objectionable as asserted. He could not help expressing an opinion that the clause was well drawn, but, if any better person than the returning officer could be suggested, he should have no objection to the alteration.

Mr. BRIGHT said, he agreed with the right hon. Gentlemam opposite that the hon. Members who had opposed this clause had entirely mistaken the object with which this officer was to be appointed. The Select Committee had unanimously determined that it was not desirable to have a judicial officer, but simply a ministerial one—a trustworthy person to secure due publicity in the payment of the accounts. The right hon. Gentleman opposite (Sir J. Pakington) still seemed to cling to the idea of appointing barristers as election officers. But he would ask the Committee whether they were prepared to let loose 400 barristers upon the constituencies of the country at every election? Who was to appoint them? The right hon. Baronet said the Judges were to undertake that duty; but he felt sure that if 400 barristers were to be appointed, they would not have the duty so well discharged as if the officers were appointed by the candidates, as the Bill proposed. It was said that the candidates were not likely to agree with respect to the appointment of such an officer; but he really thought this improbability was very much exaggerated, and both parties would very frequently concur in some respectable person in whom both had confidence. But even if they did not, he did not see any objection to intrusting the returning officers with these appointments. The election officer was not likely to display partiality, for his duties were strictly limited to the reception of bills designated for payment by the candidates, and to the publication of an abstract of the election accounts of both parties in the newspapers. They would not have half so many opportunities of displaying partisanship as were possessed by the returning officers; and yet we very seldom heard any complaints of partiality against them. He could not see that legal knowledge would be at all requisite on the part of these election officers. In fact, their duties would be better performed by a banker's clerk with a good knowledge of accounts, than by most lawyers, who seldom combined a good knowledge of arithmetic with their other qualifications.

MR. EVELYN DENISON said, without reference to the party who should appoint the election officer, he would only ask the attention of the Committee in respect to the time of the appointment of this election officer. It was proposed by the right hon. Gentleman (Mr. Walpole) that the officer should only be appointed on the day of nomination, but in county elections it was necessary to canvass the electors, and to incur considerable expenses by agents weeks before the election took place. Now, any payment, even for a postchaise, would be an illegal payment. It would thus be seen the great inconvenience of not having an election officer appointed from the period when expenses commenced. If not appointed till the nomination day there must be a series of running accounts, which would create confusion when they came to be presented for settlement. If it was decided that the election officer was to be appointed on the day of nomination, that would be found an insuperable difficulty. It was essential that the election officers should be appointed in time sufficient to meet expenses as they arose.

MR. WALPOLE said, the candidate was allowed to pay personal expenses, which in the interpretation clause were defined to mean—

> "the reasonable expenses of such candidate in travelling to and from the place at which such election shall take place, and the reasonable expenses of his living at hotels or elsewhere during the time of his residence at or near such place for the purpose of, and in relation to, such election."

He knew the hon. Gentleman would reply that this said nothing of agents' expenses, and he agreed that the excepted items of expenditure ought to be made more extensive than they were. The 32nd clause, however, provided that the current expenses of the election might be paid by the agent of the candidate under the authority of the election officer.

SIR FITZROY KELLY said, there were two questions at the present time before the Committee—when was the election officer to be appointed, and by whom? Now, with respect to the first point, he thought that, so far as the objections of the hon. Member for Malton (Mr. Denison) referred to the personal expenses of the candidate, that difficulty might easily be met by extending the wording of the interpretation clause, which permitted such personal expenses as those described to be paid without reference to the officer. Still, it was impossible not to see that there were many expenses necessarily incurred in the conduct of an election contest which it was absolutely necessary to pay forthwith, and for which credit could not be obtained; and he therefore thought it was desirable that the election officer should be appointed at a considerably earlier period than the day of nomination, in order that his authority for the payment of such expenses might be obtained. He thought it was desirable that his appointment should be vested in some one free from local influence, for he put entirely out of the question the idea that it could be made by the various candidates. If you gave the power of electing such officers to the sheriff, or to the returning officer, then parties incurring expenses would be able at once to apply to the proper quarter as to payment. With reference to these parties to be appointed, seeing that for twenty-three years the revising barristers had done their duty without reference to party feeling, and with satisfaction to the public, he thought to this class of gentlemen the appointments might with advantage be confined. But as this appeared to be distasteful to the Committee, he would not press the matter on their consideration. His opinion was, that there should always be some public officer, and that public officer be required to appoint election officers. He certainly thought it would be better to select some other officer less open to the charge of partisanship than returning officers for the duty of appointing election officers. However, if some hon. Gentleman would raise that question the Committee would no doubt determine it at once, and thus the difficulty suggested by the hon. Member for Malton (Mr. Denison) would be entirely obviated.

MR. J. G. PHILLIMORE said, he thought the person having the appointment should have no local bias. If they adopted the clause, he did not think that in the majority of instances the candidates would agree as to the person to be appointed. He thought as other hon. Members had that a respectable banker's clerk would be a very proper person. He entreated the Committee to have no person having a local bias; and he thought the appointment might properly be in the last revising barrister, or the last Judge of assize.

Mr. HENLEY said, they were told that if the candidates concurred, they might appoint the election officer. But had any one looked at the definition of a "candidate" in the interpretation clause? The words of the clause were dangerously wide —"all persons who have been, or are about to be, nominated or proposed." The next question was as to the time when this officer should be appointed. His hon. and learned Friend (Sir F. Kelly) had demonstrated that not only must this election officer be appointed before the election, but that he must be always in existence. His right hon. Friend near him (Mr. Walpole) maintained that it was of no consequence who the election officer was to be, that he had nothing but ministerial duties, which any banker's clerk could discharge. [Mr. Walpole: I said, chiefly ministerial.] Nevertheless some of those duties were amongst the most difficult which could devolve upon any man. You could not compound an action for election expenses, or suffer judgment to go by default, without the consent of this election officer. Then, see how the provision would work in promoting corruption. What more easy mode of corruption would there be than for a man to say, "I will pay nothing, bring your action?" It would be a good deal more profitable for an attorney to have the defence of 100 actions than to have a sum of 100*l.* given to him. Yet the party must rely on the discretion of the returning officer in order to make these transactions safe.

The ATTORNEY GENERAL said, that every Member of that House was aware of the wonderful acumen which the right hon. Gentleman (Mr. Henley) always brought to bear upon the clauses of a Bill, and he had now exercised it *con amore* in pulling the present clause to pieces. There could be no doubt that the object of the Bill was a most laudable one, and that every one should do his best to overcome the difficulties that presented themselves. The mode of proceeding laid down in this Bill would, he believed, be more advantageous in stopping direct bribery than all the penal laws they could enact—the fact that payments could only be made through a responsible officer, and were immediately afterwards to be proclaimed to the world, was the most effectual check that could be placed upon bribery. He had felt the difficulty that existed as to the appointment of that officer. His own view, however, was, that the appointment ought to be made independent of the candidates. Three parties had been named who might appoint him—the revising barristers, the Judges, or the sheriff of the county. With respect to the revising barristers and Judges, the great objection to them was, that they really had no local knowledge, so as to make the best selection; they were not always on the spot, and could not know the circumstances sufficiently. It seemed to him that they were driven to make a choice between the sheriff of the county and the returning officer; but the sheriff could not have the same amount of local knowledge as the returning officer. It was said that the returning officer might be a partisan, but the same objection might be made to the sheriff. There might be individual cases in which they forgot their duty to the community, but, on the whole, it was his opinion that they discharged their functions exceedingly well. He would prefer that the proposed officer should be styled election auditor, as that would be a more appropriate designation. The only case in which there would be a departure from simple ministerial action was, where the candidate was not disposed to pay the amount demanded of him. The cases would be exceedingly few where the intervention of the officer would be called for, and then all he would have to do would be of a very simple nature and requiring no amount of legal knowledge. They would do wisely and well to leave the appointment of this election officer to the returning officer, and there could be no room for doubt that the appointment should be made as soon as any expenses were incurred, which would be as soon as the proceedings of the election commenced.

Mr. MASSEY said, he agreed with the hon. and learned Gentleman in some of his observations, but he doubted whether bribery could be prevented by penal enactments. He was convinced that if there was one man willing to give a bribe and another ready to take it, no legislative contrivance of a penal nature would prevent them from coming together. He thought the solemn and unequivocal declaration proposed to be made by Members at the table, that they had not been guilty, directly or indirectly, of any undue practices to procure their return, would be the only effective provision against corruption that could be devised; and if he received any encouragement from the Committee, he would move the omission of the clause.

Lord JOHN RUSSELL said, he was inclined to regard the proposal of his hon. and learned Friend the Attorney General as an improvement on his own. He thought that having the public officer, who should have all the election expenses brought under his view, and should be afterwards bound to declare them, would be a check on bribery greater than having an agent of the candidates. The objections made had been chiefly to the time of the appointment, and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had exhausted his ingenuity in pointing out the difficulties that would be created by the wording of the clause; but he thought that, taking the view of his hon. and learned Friend the Attorney General, there would be no difficulties in the course proposed. It appeared to him that the returning officer, if it were decided that the nomination be vested in him, should make the appointment as soon as possible after being appointed himself.

Sir FITZROY KELLY said, he did not see the necessity of the returning officer making the appointment immediately after being appointed himself. He would propose, in substitution of the words in the clause, other words to the following effect—

> "That once in every year, in the month of August, the returning officer of every place returning a Member or Members to serve in Parliament should appoint an election officer, to be called 'Auditor of Election Expenses,' to act at every election during the year."

Mr. EVELYN DENISON said, that there was no security required in the case of this officer. It might be expedient to provide some security to protect the candidates who had paid the money.

Sir FITZROY KELLY said, that the attention of the Committee had already been called to that difficulty, and various proposals had been made to meet the case, none of which had been adopted except one, which would be found in Clause 21, which indirectly, but yet with certainty, protected the candidate, as it enabled him to pay to a banker of his own choice all the money with which the election officer had to deal, and through that banker alone the charges were to be paid by the election officer with cheques, countersigned by the candidate.

Mr. GROGAN said, he doubted whether there was any necessity for this officer at all. In small boroughs the legitimate expenses of the officer who was expected to do such wonderful duties would be so exceedingly trifling, that if a candidate wished to get in by bribery his simplest method would be to bribe the officer himself. Again, in a large borough the percentage allowed to the officer would amount to a large sum, and the arrangement would then not be characterised by that economy which it was one of the declared objects of the Bill to enforce. He thought that the best security against bribery would be the oath which every Member would be required to take at the table of the House by the 33rd clause. He should vote for the rejection of the present clause if any Motion to that effect were made.

Mr. GRANVILLE VERNON said, he thought that the election officer, instead of being, as suggested, nominated in August, should be appointed at the period when the returning officer was appointed, otherwise a returning officer might have serving under him for a portion of the year an officer for whose appointment he was not responsible.

Mr. HILDYARD said, that they ought to take care in considering this clause, for it provided that any payment made by the Member, otherwise than through the election officer, would be illegal. That might lead to the candidate being petitioned against, on the ground of some informality in the appointment of the officer. He must say that he never read in his life a Bill in which such especial pains had been taken to lay so many traps for the candidate; and, in his opinion, they should be extremely cautious in exercising their ingenuity in such a manner as to devise means by which the elections of Members returned to sit in that House might be rendered void.

Mr. J. D. FITZGERALD said, he believed that there was no necessity whatever for the appointment of the officer in question, and that they might easily have recourse to some more simple plan for the purpose of effecting the object which they professed to have in view. He saw no objection, for instance, to the introduction of a provision into the Bill, declaring that when any man became a candidate at an election he should nominate an agent, due notice of that nomination being given to the public that all payments should pass through the hands of that agent, and that within one fortnight after the election had taken place both the agent and the candidate should be bound to furnish an account of all payments made by them in connection with the election; should verify that statement, and in case any payment should be concealed by them then that the election should be declared void, or some other penalty inflicted. In his opinion, a provision of that nature would secure the attainment of the object which they had in view more efficaciously than the cumbrous machinery necessarily connected with the appointment of an election officer. He should not vote against the clause, though he did not think it would be of any benefit, for it was his intention to vote in favour of every Bill proposed to prevent bribery, and when all those measures were found to be fruitless the House would come round to the conviction that there was only one way to check bribery and corruption, and that was by the ballot.

Mr. BENTINCK said, he very much doubted whether this or any other clause that could be framed on the subject would be effectual in attaining the desired object, and whether it would not tend to complicate rather than remove the difficulty connected with this subject. It must be patent to every Gentleman in that House that election expenses were very complicated matters, and that there was a great deal of trickery and fraud incident to them, to prevent which required the closest examination and the greatest care. He contended that there were few men in any county or borough competent to enter minutely into the very complicated question of election expenses; and he thought the best course would be to appoint a permanent officer, who would be thoroughly conversant with the subject, and against whose ability, at least, no possible objection could be raised. He would also suggest that, instead of remunerating such an officer by a commission of 2*l.* per cent upon the amount of the election expenses, and thus holding out a direct premium to increase the expenses, he should be paid in the inverse ratio, or just as he diminished, and not as he increased, the expenses of the election.

Mr. BONHAM-CARTER said, he objected to the clause as it now stood, for he thought that if an election officer were appointed at all, he should not be appointed annually, but, as the candidature continued for the whole of the election, there was no reason why the person through whom the expenses would pass should not be appointed for the same period. The 21st clause stated that any payments made in connection with an election by the authority of a candidate, except through the election officer, should be an illegal payment, and, upon proof thereof, the election of such candidate should be void. Many Members were called upon to contribute towards registration expenses, and he wished to know whether, such payments being certainly in connection with the election, they were to pass through the hands of the election officer? He thought the extraordinary machinery of this part of the Bill was likely to lead to a great deal of mischief, and that it would place power in the hands of those to whom it ought not to be given. His own impression was, that that and many other clauses of the Bill deserved far more consideration than they were likely to receive in Committee, if their legislation was really to have the effect of maintaining purity at elections of Members to that House.

Mr. NEWDEGATE said, he must maintain that the provisions of the Bill with respect to what might and what might not be considered legal expenses were so vague, and laid so many pitfalls for the candidate, that Members would, under their operation, be constantly liable to have their honour assailed, and would be exposed to the risk of a prosecution, because it might be demonstrated that they had defrayed some expenses whose payment was not sanctioned by the Act. All the registration expenses, for instance, were expenses connected with the election; and, in fact, every shilling which a candidate or his agent might spend from the commencement to the close of the election might be classed under that denomination. It was, therefore, perfectly manifest that the candidate could never be certain as to whether, in making certain payments, he was or was not acting in violation of the law—a state of things which all must admit it was by no means desirable should exist. He must also add that he felt disposed to regard with the greatest suspicion the appointment of an election officer, inasmuch as he saw no reason why the returning officer should not be able to perform all the duties for whose discharge it was proposed that a new officer should be appointed, and also inasmuch as the responsibility, which ought, if possible, to be confined to one, would thus be shared by two individuals. To the entire of the latter provisions of the Bill, in short, he was altogether opposed.

SIR JOHN PAKINGTON said, he thought the discussion had established the propriety of the returning officer appointing the election officer, and he was, therefore, not disposed to press any further the view which he had stated when the question was first introduced. He confessed, however, that he was not satisfied of the wisdom of refusing to introduce a barrister of experience into the matter. He concurred in the remarks which had been made that this was the appointment of a very important officer, in whose hands the character of the candidate would be, to a great extent, placed, and that there was no security proposed for his responsibility. The scheme of his hon. and learned Friend (Sir F. Kelly) gave a better security; for it proposed to give judicial power to revising barristers, and to enable them to tax the bills sent in. If that had been agreed to, there would have been an officer responsible to public opinion, in whom they would have had a guarantee that no improper expenses would be allowed. By the present Bill, however, there was no security for the responsibility of the parties to be appointed, and no security for the expenses to be incurred.

LORD ROBERT GROSVENOR said, he was sorry to be obliged to add his voice to the almost unanimity of dissatisfaction with which the clause had been received. There was so much force in the remarks which had been made in the course of discussion, and especially by the hon. Member for Winchester (Mr. Bonham-Carter), that he confessed he thought the adoption of the clause would add to the numerous difficulties which had already been experienced in knowing how to interpret the law as applied to election proceedings. If the Bill were to be incumbered with these clauses, he was afraid there was no hope of its becoming the law of the land this year, and he therefore hoped his noble Friend (Lord J. Russell) would consent to the withdrawal of these clauses, and that the House would then endeavour to frame such a Bill as would attain the objects they had in view.

LORD ADOLPHUS VANE TEMPEST said, he had strong objections to the introduction of this clause into the Bill. An hon. Member returned to Parliament frequently had bills laid before him which he refused to pay as illegal, but he was now given to understand that unless he paid them he would never be returned again, and would inflict ruin upon the cause. Hon. Members were, therefore, obliged either to pay the bills laid before them or to lose all chance of representing the place again. He thought the Bill introduced by the hon. and learned Member for East Suffolk was far more beneficial in its objects than the Bill now before the Committee. If a gentleman, on becoming a candidate for any borough or county, were required to state to the returning officer who his election agent really was, and if a declaration were required to be made on oath by each Member when he took his seat, all that was required would be attained. If these clauses were agreed to, however, every candidate standing for a borough or county would be open to prosecution and snares of every description; and, unless something in the way of protection were afforded, it would be impossible to induce hon. Gentlemen to risk a contest.

MR. BRIGHT said, he feared there would be some difficulty in passing the clause from the opinions that had been expressed. All parties were agreed on two points, that they ought to get rid of the scandals at elections, and that the subject was a very difficult one. He thought, however, that all those Members who had voted against the ballot were particularly bound to agree to conditions of the most stringent character for the purpose of lessening the evil. The noble Lord the Member for London and the other Members of the Committee had made every exertion to render the Bill as perfect as possible. The appointment of a public officer was taken from the Bill of the hon. and learned Member for East Suffolk (Sir F. Kelly); but as his character was changed, he (Mr. Bright) did not think it necessary to have a legal person. The Bill, so far from opening new pitfalls for the candidate, would place him in a much better position. He thought it advisable that the candidate should be disconnected from all pecuniary transactions both before and after the election. The officer to be appointed was not to decide on the propriety of any particular payment, but to pay all charges and expenses that the candidate admitted were sanctioned by him. This was a better mode of establishing the precise amount then expended, than to leave it to the declaration of the agents. He knew if that were done, the result would be that a candidate would look for an agent who was not troublesomely scrupulous. It was no objection to say that the officer might be a political partisan; the returning officer might now be so. In the borough of Rochester the returning officer since the Reform Bill was a decided Tory, yet the Liberal Members for the borough bore their testimony to his impartiality and fairness. If the question came to a division, he would support the clause as it stood. If the clause was withdrawn, the whole force of the Bill was gone; it became a mere consolidation of the bribery law, with a clause on the subject of undue influence. If the clause was rejected, he did not see any use in going on with the Bill. He was anxious to render the Bill as efficacious as possible, although he thought the ballot would be the only sure means of putting a stop to bribery. The passing the Bill would not prevent the annual discussion. They should endeavour to make both candidates and electors feel that the law regarded bribery as a disgraceful and infamous offence, and that it would not receive the same indulgence as before. The clause was an attempt to apply a new remedy. Some elections were now at hand, and they would have an opportunity of testing it. If the Bill passed, he was sure the noble Lord the President of the Council would not object to issue the suspended writs; if the plan failed, they would next Session be able to discuss the subject to more advantage. He was not very sanguine as to the successful operation of the Bill, but he would support it in every way.

Mr. HENLEY said, he thought the more the clause was discussed the greater was the difficulty that presented itself in reference to it and the more unintelligible it became. The hon. Member who last spoke said he understood the clause, but it was clear that all the Members of the Committee were not agreed upon its precise effect and bearing. They had had no consideration of who this officer was to be, or what were to be his qualifications when the election began, and the liability of the candidate was to commence—that liability which might disqualify him altogether. It might be well to have the election accounts published, but the difficulty was how that was to be done, and how were they to ensure that they would be published accurately. One hon. Friend of his behind him had suggested that it would be easy for a candidate who wished to evade the law to bribe the election officer, and that probably would be the best way—at all events they by no means appeared to be agreed upon any one point in reference to this clause, and he would suggest, therefore, that the better course would be to defer it for the present Session. The hon. Member for Manchester (Mr. Bright) had hinted that those who opposed the ballot should support this clause, but that the ballot would be the most satisfactory remedy. He differed from the hon. Member. He believed that with the ballot there would be more bribery than now, and he did not see, that, as an opponent of the ballot, he was bound to vote for this clause. The hon. Gentleman had further said that they would probably have the opportunity of judging of the effect of this proposal in the elections for the boroughs, which by the suspension of the writs were now unrepresented; but he (Mr. Henley) did not attach much value to that experience. He believed, with the noble Lord (Lord R. Grosvenor) that the effect of the clause would be to surround the candidate with traps and pitfalls, and he hoped, therefore, it would not be persisted in.

Lord JOHN RUSSELL said, he would remind those hon. Gentlemen who considered that the effect of this clause would be to surround the candidates with traps and pitfalls, that there were traps and pitfalls existing as the law now stood. Last year they had more than a usual number of charges of bribery at the previous general election, and more than the usual number of Members were unseated on that ground, many of whom he would venture to say had not the least intention when they became candidates of securing their seats by corrupt means. But the position of things was such under the existing system, that a candidate honestly desiring to confine himself to the strict legal expenses, might find, six months after his election, that, unknown to him, large sums of money had been expended on his behalf in bribery, and might lose his seat in consequence. This was no unusual occurrence, and he thought it would be a great security, therefore, if, by any plan like that provided in these clauses, they could be sure that all the legal expenses incurred at the election should be published, and that the person who expended the money should know that, if the published amount were exceeded, he would not be entitled to recover it from the candidate. A gentleman concerned in an election not long ago complained to him of the bribery committed by the opposite party, but admitted that he had spent

6,000*l.* or 7,000*l.* in maintaining the purity of election. The worthy man said it was difficult to account for the spending of so much money on such an object. He could not but think that the end to be obtained by this clause was important; namely, that the expenses of elections, which they knew to be now enormous, should be limited to the strict legal charge; and he believed that if candidates and those who were concerned in elections were to agree to place the accounts of each election in the hands of an officer appointed for the purpose, and that those accounts should be published, and open to the inspection of every elector, a very considerable check would be placed upon corrupt practices. Whether they called such officer an election officer or an auditor of election expenses mattered not; the proposal was the same. But by means of that person publicity should be given of all the election accounts, and he could not but consider that the effect of such publicity would be that the expenses of elections would be greatly diminished in amount, and rendered much less objectionable and corrupt than they now too frequently were. But it had been urged that under this clause many questions of great difficulty would arise, and that, for instance, it would be very difficult to say where an election began, or where the candidate's responsibility commenced. No doubt there were questions of this kind that might require much debate, and if they were called upon to settle every one of them in the present Bill, he admitted they would not be likely now in the month of July, or even if they were at the beginning of the month of February, to pass the Bill in the present Session. Practical men would be able, he apprehended, to solve those questions tolerably well when they came before them; and if it were contended before an Election Committee that a gentleman, because he might have exhibited great hospitality and great liberality in the borough or county five or six years before, had done so as a candidate, and with a view to influence the electors, he thought the Committee would very soon dispose of such an allegation. He hoped, for the reasons he had stated that his right hon. Friend, the Chairman of the Committee, would not be a party to the withdrawal of the clause.

Sir JOHN SHELLEY said, that as his objection to the clause was with reference to the appointment of the election officer by the candidate, and as he understood the noble Lord (Lord J. Russell) was about to move a proviso to prevent that, the difficulty he had felt in the matter was removed. He believed the ballot was the only effectual remedy for bribery at elections, but he felt bound to unite with those who thought differently when they proposed a measure which they considered would cure the evil.

Mr. J. G. PHILLIMORE said, he would propose that the election officer should be appointed, not by the returning officer, but by the revising barrister in England and the assistant barrister in Ireland.

Mr. GRANVILLE VERNON hoped the noble Lord and the right hon. Gentlemen opposite would persevere in their view, and that the original suggestion of the noble Lord would be adopted in allowing the returning officer to appoint his own officer.

Sir FITZROY KELLY said, it was a mere question whether it would be better that the appointment of the officer should be made a fixed and permanent one, or whether the appointment should be from year to year. He considered the clause, as it stood, would effect the object they all seemed to have in view. It would be very desirable that the election officer should be a fit and proper person, but it would be difficult to define the qualifications of this officer more minutely, and it would be undesirable to introduce prohibitions into the Bill. It would be better hereafter to introduce a clause imposing upon the election officer the necessity of making a declaration that he would well and truly perform his duty, and imposing penalties for any wilful breach of duty.

Mr. VINCENT SCULLY said, he thought the returning officer ought to be made responsible for the acts of the election agent.

Sir FITZROY KELLY said, it would be impossible to make the returning officer responsible for the conduct of the gentleman whom he might appoint. They might take all the securities they pleased from the officer appointed.

Mr. BENTINCK said, he would move that the further consideration of this clause be postponed.

The CHAIRMAN said, that the hon. Member could not make this Motion at present.

Mr. BENTINCK said, he would then move that the clause be negatived. It was indispensable, before they proceeded to the appointment of an officer of this description, that two precautions should be taken—one, that the appointment should be placed in such hands, that a fit and proper person should be selected; and secondly, that the Bill should state what were and what were not legitimate election expenses. Until this was done, it would be dangerous to appoint such an officer.

MR. CAIRNS said, he thought it desirable that the clause should be negatived unless some understanding was given that it would be brought forward in a different form. If the election officer was to have any control over the expenses of elections, care should be taken to place the appointment in the hands of some person independent of the candidates. As the clause stood, the election officer had no discretion over the expenses which were to pass through his hands. What, then, was he appointed for? It might be said that the object was to secure publicity to all expenses at elections, which was, no doubt, a good object. But at present candidates appointed their own agents, and if you could obtain that publicity by some such plan as that proposed by the noble Lord (Lord J. Russell) in his first Bill, it would be desirable. That plan was, that each candidate should pay to his agent the sums required for his expenses, which should all pass through the agent's hands, and the agent was bound to make a return of the expenses, and he and the candidate were to be compelled to declare on oath that these were all the expenses incurred. If some such plan were adopted, you would have gained all the objects required by the clause, and there would be no questions about appointment or fitness, or any of those points which had been now discussed.

MR. HEYWORTH said, he should support the clause. He should wish to see those expenses which properly belonged to the community, such as polling-booths, paid by the public.

MR. VERNON SMITH said that, as a Member of the Select Committee, he could state that the Members were unanimously of opinion that some such election officer as the one proposed in this clause should be appointed, and that this clause was regarded by them as the keystone of the Bill. The question was started and thoroughly canvassed, whether they should give the power to these officers of declaring what were legitimate election expenses, but it was abandoned as impracticable. They, therefore, relied upon the force of the publicity to be given to these accounts, and they thought that that of itself would go far to shame the constituency out of bribery. He would only add that, if the Committee should not agree to this clause, he should think it would hardly be worth the while of the Government to go on with the Bill.

SIR FITZROY KELLY said, he wished to say a few words before the Committee proceeded to a division. This clause contemplated the appointment of an election officer, to whom, and through whom, and whom alone, the whole of the election expenses should be paid. When the evil to be remedied was considered, he thought the Committee would approve of the clause. The evil was grievous and enormous in this country; and, notwithstanding legislative and other remedies, bribery had of late increased until it assumed a magnitude discreditable in the highest degree both to the Constitution and people of this country. How was it now proposed to remedy the evil? At present a gentleman, after being elected, might take a stringent oath that, to his knowledge, or with his sanction, no money had been spent in bribing voters at the election. Yet the bribery might have been practised to a great extent without his knowledge. The custom was for the candidate to pay large sums of money to his agent, with directions that they should not be misapplied, and that only legitimate expenses should be paid; and yet, when the election was over, it turned out that bribery to the amount of thousands of pounds had been carried on, and Members were unseated by the acts of those over whom they had no control. In his opinion, the only way to overcome the evil was this—to appoint one individual into whose hands the whole of the expenses of the election should be given. They were told that the system was a complicated one; now he considered that it was simple in the extreme. The whole of the candidates were to pay all the possible expenses of the election into one man's hand, and he did not see how it was possible that any bribery could take place, unless that officer should himself consent to it. All the candidates had to do was, to take care not to pay one shilling of money for any matter connected with the election, except what he paid into the hands of this election officer, and he would be perfectly safe. If the law they now sought to carry into effect had been in existence for the last twenty-five years, the thousands and tens of thousands of pounds which had been paid by the candidates, much of which doubtless was expended in bribery, would not have been expended at all. The system proposed would give the only protection that could be afforded to the candidate himself, and that was a point well worthy of the consideration of the Committee. No man, however pure his motives and his conduct might be, could deem himself safe, as he might, although duly elected, be unseated by the acts of others, with which he had nothing whatever to do. He knew of no more effectual protection to the candidate than his being enabled to make a declaration of all the money he had paid, and the dates and objects of such payments, and he did not know how it was possible, under these circumstances, that any bribery could be committed. He hoped, therefore, that the Committee would approve of the clause, which put the matter in the easiest and simplest form under the control of a public officer. One of the objections to the clause was, that it was full of snares and pitfalls. He utterly denied it, and he did not think that bribery could be put down in a more simple and effectual manner.

MR. MALINS said, he felt considerable hesitation in opposing the clause, but having listened to the long discussion that had taken place, he must say that he felt now, as throughout, insuperable objections to it. He could assure hon. Members that he was not actuated by any desire to perpetuate the existing unfortunate state of things, or to countenance the bribery which so extensively, and he regretted to say so generally, prevailed. He was desirous that every effort should be made to adopt practical means of repressing it, but he did not want to fetter the candidate with undue restrictions, or place him in a position of difficulty and danger, to which no man ought to be exposed. He contended, however, that the candidate got no protection whatever—there was merely to be a publication of the account of the expenses attending the election. There were certain expenses connected with elections which were inevitable; and let them legislate as they would they could not put a stop to them. Hon. Members not having any local connection with a borough were applied to for subscriptions to races, to public balls, to blanket clubs, and coal clubs. It was well known that these subscriptions were paid to strengthen the influence of the candidate in the borough. Was the election officer to be called upon to pay these subscriptions? Again, the candidate was liable to be sued for any election expenses incurred, notwithstanding the appointment of this public officer. He could not settle this demand, nor could he, by payment of a small sum, get rid of the cost and vexation of the action without consulting the public officer. He believed there was not a gentleman behind him who was not prepared to vote against this clause, and there were many hon. Gentlemen on the other side who were also opposed to it. Although all were desirous of preventing bribery at elections, he hoped they would not give their assent to any such a clause.

MR. W. WILLIAMS said, he considered the clause as the very essence of the Bill, and, if the Committee rejected it, it would be plain to the country no desire existed to put an end to the system of bribery and corruption which had become a scandal and a disgrace to it. He believed the whole objection to the clause was the publicity it would occasion; its intention was simply to enforce the payment of election expenses and enable the public to know what they were.

MR. BENTINCK said, the inference was, that the opponents of the clause were in favour of maintaining and perpetuating bribery at elections; but if the hon. Gentleman or any other hon. Member would frame a clause, no matter how stringent, that would secure publicity to all the payments made by candidates it would have his support; this clause he maintained would not do so.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 133; Noes 74: Majority 59.

Clause *agreed to*.

Clause 20 (Every Candidate shall, within two months after the declaration of the Election, or within one month after any Bill has been sent in by the legal representative of any deceased creditor, send all such bills and claims to the election officer for payment).

MR. HILDYARD said, he wished to move that the respective periods should be "three months" and "two months."

MR. BENTINCK supported the Amendment. If an agent died, or was guilty of misconduct, it would be rather hard to call upon the candidate to send in his bills within one month.

Mr. HENLEY said, there could be no doubt that the accounts should get into the hands of the election officer as soon as possible, even for the sake of the candidate himself; but at the same time they should give the candidate proper time to examine the bills and satisfy himself that they were correct.

Amendment *agreed to.*

Mr. HILDYARD said, he thought that before proceeding further they should settle the question whether refreshment tickets were to be legal or not.

Mr. WALPOLE said, he should be prepared to discuss that question fully upon a subsequent clause.

Mr. HILDYARD said, he must complain of the numerous penalties contained in the clause, and he would propose that they should be struck out.

Mr. PIGOTT said, he thought the penalty of 50*l.* very severe, because the candidate would be liable to it if by some mistake he omitted to send in one particular bill. There was also to be a cumulative penalty of 20*l.* for every week of default during which the bills and claims continued not to be sent in to the election officer after the time specified for doing so.

Mr. ELLIOT said, he also considered the penalties very heavy, as the bills and statement of charges might not be sent in merely from accident or excusable oversight. He, therefore, thought notice should be given to the candidate that the time for sending in the claims had expired, and allowing him an extension of the period for doing so—say a week longer.

Mr. WALPOLE said, he thought, as the object of the penalties was merely to secure the sending in of the bills and claims, that the continuing penalty need not be retained.

Sir JOHN PAKINGTON said, that if the continuing penalty were omitted from the clause, the candidate might pay the first penalty, and then afterwards defy the law with impunity.

Lord JOHN RUSSELL said, he would not object to the cumulative penalty being reduced from 20*l.* to 10*l.*

Sir JOHN WALSH said, he hoped he might be allowed to point out the necessity of clearly defining every term employed by the Bill. Thus, for instance, it would be well to know whether travelling expenses and refreshment tickets would come under the same heading. In the case of the Southampton Election Committee it had been decided that travelling expenses were lawful, and by that means the seat of the Attorney General was saved, though numerous contradictory decisions were on record.

Sir FITZROY KELLY said, he could not express his opinion too strongly on the point to which the hon. Gentleman had adverted. There was an absolute duty imposed upon Parliament, finally, and he hoped satisfactorily, to settle the question of travelling expenses. It would be better to have the Bill rejected than that it should be passed leaving any part of that question unsettled.

Mr. MASSEY said, he wished to know whether any of the penalties under the Bill were recoverable before the county courts?

Mr. WALPOLE said, that the Select Committee had drawn this distinction—that all penalties for bribery and treating should be recovered in the county courts; while all offences involving the consequences of disfranchisement or disqualification were made recoverable only in the superior courts of law.

Mr. HENLEY said, he wished to know whether it would be lawful for a person to pay a bill after a month had passed by. No doubt many cases would occur by which, from some mischance or other, candidates would be debarred from paying legitimate expenses during the period marked out by the Act. Now, there could be no doubt that, to sensitive and honourable minds, it would be a severe affliction to feel that they had incurred obligations which could not be discharged. For if their seats in Parliament were jeopardised by their defraying those charges, it might end in their remaining due altogether.

Sir FITZROY KELLY said, that if a tradesman from inadvertence had omitted sending in his bill within the month, although under the Act it would be unlawful to pay it, yet, if it were a fair and reasonable bill, there would be no objection whatever to the candidate paying it.

In answer to Mr. Evelyn Denison,

Mr. WALPOLE said, that if a bill were paid except through the election officer, it would be illegal, and in consequence the election of the sitting Member might be declared void, but it would be only so declared by a Committee of the House; the question could not be at all brought before the county court.

Clause, as amended, *agreed to.*

Clause 21 (No payments to be made except through election officer, and except personal and advertising expenses).

Mr. NEWDEGATE said, he wished to know to what period before the election this prohibition referred? Did it extend to the payment of expenses incurred in the registration of voters?

Mr. WALPOLE said, that registration expenses formed totally distinct payments, and had nothing whatever to do with the election. The Committee were now coming to the clause enacting that no payments were to be made except through the election officer, so that any breach of this provision might make the election void. The payments which would form exceptions to this rule would of course be contained in other clauses of the Bill. That would give rise to questions as to what you were to include under the head of personal expenses, and what you were to allow the agents to pay as current expenses. He wished, however, now to say that he was willing to admit on both of those points—both as regarded current and personal expenses—that a larger interpretation ought to be put upon them than was put in the Bill. He was willing to allow that these exceptions should cover every legitimate expenditure which was likely to be incurred prior to the election. He proposed, therefore, to leave out the words, "having any connection with the election," as the retention of those words would extend too widely the operation of the clause.

Mr. J. D. FITZGERALD said, that the Bill altogether surrounded candidates at elections with a perfect network of penalties, which there would be the greatest possible difficulty in avoiding. In this clause, however, they arrived at the culminating point. If after the election it turned out that a money payment, unauthorised by the election officer, had been made by the candidate or by the authority of the candidate, this fact, if proved before a Committee of the House, would make the election void. Now, was there any necessity for such a provision? The payment might be to the amount of but *5s.*; it might be a perfectly honest one, free from any imputation, and a just and legal payment; and yet, because not made through the appointed officer, the election was to be void. He could not sanction a provision of this sort, and should therefore move that these words "upon proof thereof the election of such candidate shall be void" be omitted, and that these words be inserted instead, "and upon proof thereof such candidate shall be subject to a penalty of 10*l.*, to be recovered by any person who shall sue for the same."

Lord SEYMOUR said, he thought that it would be advisable to insert words into the clause, stating before what tribunal it was necessary that proof of illegal payment should be brought.

Sir FITZROY KELLY said, that as the loss of a seat was involved, proof must necessarily be brought before an Election Committee.

Mr. HILDYARD said, he doubted if an Election Committoe would have jurisdiction if words were not introduced, more clearly defining the tribunal before which the proof was to be taken. It seemed to him that it would be necessary to exclude registration expenses under this Bill, because agents might be bribed indirectly in that way. He believed that a great number of election petitions would be presented under the hope of hitting the Member through the operation of this clause. He hoped, however, that the Committee would consent to the Amendment.

Lord JOHN RUSSELL had no objection to strike out the words which involved the loss of a seat, but he considered that 10*l.* was too severe a penalty for an accidental payment.

Mr. WALPOLE said, he concurred in the opinion expressed by the noble Lord.

Mr. COBDEN said, that by Clause 33 the Member was required to make a declaration on taking his seat to the following effect—

> "I, A. B., do solemnly and sincerely declare, without any equivocation or mental reservation, that I have not knowingly made, authorised, or sanctioned, and that I will not knowingly make, authorise, or sanction any payment on account of my election, other than is allowed by law under the Corrupt Practices Prevention Act of 1854."

Now, if the Member who had taken his seat after that declaration, and who had violated the law, was subjected to a penalty of only 10*l.*, it might appear that they were dealing in a different spirit towards the Member and towards the electors, whom by previous clauses they struck off the lists. In assenting to the Amendment they should take care that they were not acting inconsistently and more leniently towards themselves than towards the electors.

Mr. J. G. PHILLIMORE said, the hon. Member for the West Riding did not appear to understand clearly the intention of the hon. and learned Member for Ennis's

Amendment. The object of the Amendment was not to avert any consequences of having made a corrupt payment "knowingly." It was to avoid the extreme penalty in cases of accidental payment that the Amendment was proposed.

Mr. NEWDEGATE said, the question was this—was it intended to assign a time for payments at election time within which the provision was only to operate?

Sir HENRY WILLOUGHBY said, that the Committee, before imposing penalties, ought to define legal and illegal expenses. There were many expenses which, though not necessary, were sanctioned by custom, and were not corrupt. He wished the right hon. Gentleman the Member for Midhurst (Mr. Walpole) to prepare a schedule of expenses which were to be permitted to be paid. Unless this were done the candidates would be at the mercy of the election officer.

Mr. WALPOLE said, he thought that no one except the hon. Baronet would think it necessary that the Committee should define whether every expense was legal or illegal before legislating upon this subject. The payments declared to be illegal were not so in themselves, but only if they were made in a particular manner. All corrupt payments had been defined, but others remained exactly as they were.

Mr. HENLEY said, he thought the question of the hon. Member for North Warwickshire (Mr. Newdegate) had not been clearly answered. As payments were made illegal on account of the time and manner in which they were made, it became of the first consequence to define the time. He hoped that those Gentlemen who had charge of the Bill would throw out something to guide the Committee, in order to arrive at a sound opinion.

Sir FITZROY KELLY said, he thought that it would be as well, in order to avoid all illegality, to require that all expenses should be paid through the election officer. It was evident that before the election began, it was necessary to incur various expenses. When a person proposed to stand as a candidate, he (Sir F. Kelly) did not see any reason why he should not be required at once to announce his determination, and to pay whatever expenses were necessary through the election officer. When they came to consider the exceptions, he presumed that those who had charge of the Bill would listen with attention to every suggestion offered in respect to the description of payments which might be fairly made before the election.

Lord ROBERT GROSVENOR said, he viewed the clause with great apprehension. He considered that, as the clause was framed, an innocent person might be compelled to suffer by the act of a guilty individual. As to the publicity of the accounts, he could not understand how the accounts would be made more public by this clause than they would be if it were not passed.

Mr. COBDEN said, that it had been stated that they were under this clause legislating as to a particular mode of payment, and not for a corrupt payment, but he begged to remind the Committee that they might be dealing with both under one head. This clause had been carefully considered, and he should be sorry to see a relaxation of the stringent provisions of the Bill made only in favour of the candidate. Were they to agree to the proposed alteration, they would destroy the moral effect of the law and render themselves liable to the imputation of not being in earnest with the subject.

Mr. J. D. FITZGERALD said, that the relaxation which he proposed referred not to payments that were in themselves illegal, but solely to payments illegal in respect to the hand by which they were made. His object was simply to protect a Member from losing his seat because the payment was made by an illegal hand.

Lord JOHN RUSSELL said, he concurred with the hon. and learned Member as far as this—that he thought they should not declare the election void because a payment was illegally made. He thought, however, they had better not fix any penalty then, but limit the present clause to a declaration that any payment not made through the election officer should be deemed an illegal payment.

Mr. STUART WORTLEY hoped that the clause would be postponed, inasmuch as he did not think that the Committee were aware of what its effect would be. By this clause any trifling payment, such as even 5*s.* to the postboy for driving the candidate in respect to the election, would be sufficient to forfeit his seat.

Mr. WALPOLE said, he must remind the Committee that personal expenses included travelling expenses. The question as to what were to be considered personal expenses was, however, a subject for discussion when they came to another portion of the Bill.

Mr. **PIGOTT** said, he also thought there was a difficulty in deciding what were election payments. For instance, candidates were often called upon to contribute towards the repair of a church or to a race fund, and he wanted to know if those subscriptions were to be taken as payment incident to the election.

Mr. **WALPOLE** had no hesitation in saying decidedly not.

Mr. **HILDYARD** said, he must still contend that all this legislation was useless, because bribery would be carried on under the guise of the subscriptions which the hon. Member for Reading (Mr. Pigott) had suggested. Suppose a coal fund were established in a borough, and one candidate subscribed 1,000*l.* to it, while the other declined to contribute anything to it, could the Committee have any doubt in deciding which canditate would be returned?

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 148; Noes 67: Majority 81.

House resumed; Committee report progress.

POOR LAW COMMISSION CONTINUANCE (IRELAND) BILL.

Order for Committee read.

Colonel **DUNNE** said, he would not object to the Bill proceeding, if the Government would consent to retain the Commission for two instead of five years. If not, he should oppose Mr. Speaker's leaving the Chair.

Sir **JOHN YOUNG** said, he knew the object of the hon. and gallant Member to be to have an inquiry into this Commission. As far as the Commission was concerned, however, he thought it might be as well continued for five as for two years, and the hon. and gallant Member should recollect that the salaries of the Commissioners were subject to the annual Vote of Parliament.

Mr. **MACARTNEY** said, he should support the proposal of the hon. and gallant Member for Portarlington (Colonel Dunne). Without a full inquiry he could not consent to the renewal of the Commission for five years.

Motion made, and Question put, "That Mr. Speaker do now leave the Chair."

The House *divided*:—Ayes 82; Noes 45: Majority 37.

House in Committee.

Colonel **DUNNE** said, he should move that the Chairman should report progress.

Lord **JOHN RUSSELL** said, he would suggest that the hon. and gallant Colonel should then proceed with any statement with reference to the Bill which he desired to make.

Colonel **DUNNE** said, that if he were to do that, the majority at present in the House would carry the Bill in its present form, as it had carried many other measures injurious to his (Colonel Dunne's) country. He believed the Poor Law had inflicted more injury on Ireland than almost any other, except one or two. He did not object to a Poor Law, but he objected to the great and unnecessary expense of the present system, and to other parts of that system which were unjust, and he wished for a thorough inquiry. He thought it not unreasonable to ask that the Bill should be limited to two years, within which time the inquiry he was anxious for might take place. He regretted there were not more Irish Members present, and inasmuch as it was too late to discuss the matter now, he must persist in his Motion to report progress.

Mr. **I. BUTT** said, he also protested against proceeding with the consideration of the Bill at that late hour (a quarter past one o'clock).

Lord **NAAS** should support his hon. and gallant Friend in his Motion if any question in connection with the Bill before them should arise which required discussion. At the same time, he must observe that he was in favour of continuing the powers of the present Poor Law Commission for five years, as proposed by the Bill.

Motion made, and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided*:—Ayes 28; Noes 90: Majority 62.

The Bill then passed through Committee.

House resumed; Bill *reported* without amendment.

The House adjourned at a quarter after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 17, 1854.

Minutes.] Public Bills.—1ª Friendly Societies; Highway Rates; Heritable Securities (Scotland); Registration of Births, &c. (Scotland);

Savings Banks; Turnpike Trusts Arrangements; General Board of Health; Marriages (Mexico).
Reported—Commons Inclosure (No. 2).
3ª Bankruptcy; New Forest.

MERCHANT SHIPPING BILL.

House in Committee (according to Order).

On Clause 181, which provides that wages shall not be dependent on the earning of freight,

Lord CAMPBELL objected to the clause, and observed that there was an old maxim that "freight was the mother of wages," or, in other words, that in case a ship went to the bottom, no wages were paid. If any part of a ship were saved from a wreck and sold, then the seamen were entitled to their wages from the sum received; but if the ship, cargo, and stores were all lost, then no wages were paid. This regulation was a matter of public policy, and incited the seamen to exert themselves to the utmost in the case of a wreck, and to stick to the last plank, in the hope that something might be saved. The regulation was also for their own advantage, for it increased their exertion, and enabled owners to give, upon the whole, better wages than they would otherwise. He thought those nations had acted wisely and humanely who had adhered to the rule that, unless a sailor brought his ship safe to port, having earned freight, he should have no right to his wages. The proposed enactment was contrary to the principle of the Bill, which was intended to consolidate, not to alter, the fundamental principles of the existing law relating to merchant shipping. He, therefore, felt it his duty to move the omission of the clause.

Lord STANLEY of ALDERLEY said, that, though the maxim quoted by the noble and learned Lord, that "freight is the mother of wages," certainly prevailed in all countries, nevertheless, their practice differed so much from the principle involved in the maxim, that it could no longer be considered applicable. Neither was it any argument that the clause was at variance with the laws of other nations, for many of our best laws differed from the law of other nations. The decisions given by Lord Stowell were to the effect, that if a ship came back to port without having earned any freight, and even in case of a wreck, the sailors would have a right to their wages, and the 7 & 8 *Vict.*, so far from proceeding on the maxim "freight is the mother of wages," enacted that a sailor should be entitled to recover his wages, even if no freight had been earned; and if the vessel were wrecked immediately after leaving port, in case the master or mate should certify that the sailor had exerted himself properly to save the vessel. This clause only extended that provision a little further, by enacting that a sailor should have a right to recover in either of the cases mentioned, unless it should be proved that he had misconducted himself. If the maxim were rigidly applied, the effect would be to make the seamen demand higher wages, in order to compensate them for the chances of no wages where no freight was earned. A little reflection must, he thought, convince every one that this provision was only based on justice and fair dealing, and, indeed, he was bound to say, that in almost every case liberal and fair-minded shipowners made no difficulty in paying the sailors their wages under such circumstances. There were some, however, who insisted on abiding by the strict letter of the law, and it was to prevent the injustice which might occur in such cases that the present alteration was made.

Lord ST. LEONARDS said, the policy of the law was, that the safety of the ship was the only kind of security which the sailor had for his wages. By the 7 & 8 *Vict.* a sailor could only recover his wages, in the event of the ship being lost, in case the master or owner gave him a certificate that he had done all he could to save the ship. He thought that the law ought to go further, and compel the party to give such certificate. He thought, however, that the present clause went too far. It involved a most serious change in the law, and in his opinion required much consideration.

The LORD CHANCELLOR hoped that their Lordships would not interfere with the clause. If it were allowed to be an improvement, he could not understand why they should be deterred from altering the law on the ground that they would be acting differently to other countries. Surely it was not desirable to permit the law to say to the sailor that he should not have his wages, because the owner had lost his freight. He knew that the policy of the existing law was to make the sailor stick to the last plank of the vessel. But that was a question between the owner and the sailor. If the sailor be bound to enter into a contract by which he would only receive his wages under peculiar circumstances, of course he must necessarily demand higher terms than if his wages were to be paid him under every contingency. It should be recollected that the owners could insure their freight, but the sailor could not insure his wages. He admitted that this clause would subvert the existing law, and it was meant to do so, with a view of benefiting a large and meritorious class of persons.

LORD COLCHESTER was understood to say that he preferred leaving the payment of wages as it stood under the 7 & 8 *Vict.*

LORD CAMPBELL thought it would be most mischievous if the law of England differed on this subject from that of other nations. Commercial nations formed one community and one society, and it was most desirable that uniformity should prevail in their commercial law. He contended that there was a presumption in favour of a practice which existed everywhere and among all other maritime nations, and existed, too, as far as he knew, without exciting any ground of complaint.

THE EARL OF HARDWICKE could conceive nothing more unjust than that sailors, who might have rendered very important service in the working of a ship, should be denied their wages. Many cases had happened where a master insured his ship, and then took an opportunity of losing her on purpose, and afterwards received compensation for the vessel, while he saved the wages of the seamen. It would be a great wrong if the seamen in such a case were to be defrauded of their wages.

On Question, their Lordships *divided :*— Content 56; Not Content 5: Majority 51.

Clause *agreed to.*

The Schedule was then *agreed to.*

Other Amendments made. The Report thereof to be received on *Thursday* next.

PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES BILL.

Order of the Day for the Third Reading read.

EARL GRANVILLE said, that as a noble Lord had given notice that he would propose to refer this Bill to a Select Committee, he thought it desirable that before moving the third reading he should make a short statement as to the nature of the measure. The object of the Bill was twofold. It proposed to bring into the public Exchequer the gross revenue of the country, leaving the expenses of collection to be provided for, as were the expenses of other departments, by the annual vote of Parliament; and it proposed, in the second place, to remove from the Consolidated Fund certain salaries and other payments now charged upon it, and to place them, by annual votes, under the control and revision of Parliament. These objects were similar in their kind, because the sums charged on the public revenue and those placed on the Consolidated Fund were both equally removed from the consideration of Parliament. The manner in which it was proposed to deal with these objects in the Bill was threefold. In the first place, with regard to certain hereditary pensions now charged upon certain branches of the public revenue, it was proposed to leave them as they are; but it was proposed, through the medium of private negotiations—which negotiations had in fact been commenced—to buy them up, in a manner which it was hoped would prove advantageous to the public, and which would certainly remove an existing anomaly. With regard to the Judges, Scotch sheriffs, and other legal officers of that description, it was proposed to leave their salaries on the Consolidated Fund; but with regard to all the other salaries named in the Bill, and not included in the above category, it was proposed to submit them to the annual revision of the House of Commons. These objects were carried out by the first clause of the Bill and the schedule applying to it, and by certain provisions for bringing into conformity with the Parliamentary financial year all the annual accounts connected with the Consolidated Fund and the funds belonging to the Exchequer. One clause provided for certain quarterly payments being made at periods different from the present; and the last clause but one made provision for paying out of the Consolidated Fund certain sums now received in the way of fees. The great objects of this Bill had been very often pressed on the attention of the House of Commons, and on successive Governments; and it was one that the Chancellor of the Exchequer of the late Government announced to the House of Commons it was his intention to bring under their consideration. The subject had at length been taken up, and was now submitted to their Lordships for their approval. The noble Lord (Lord Monteagle) proposed to send the Bill to a Select Committee, but he must say it was not a usual practice to refer a Bill, which they could not alter without interfering with the privileges of the other House, to a Select Committee. He hoped the noble Lord would make it clear to the House what the object of this reference to a Select Committee was. If their Lordships disapproved the principle of the Bill, it would be better to reject it altogether than to have it hereafter rejected on a question of privilege by the other House of Parliament. But it might be that a majority of the House were in favour of the principle of the Bill, while there were some of their Lordships who objected to certain salaries in the schedules being removed from the Consolidated Fund, and placed under the annual revision of Parliament, and he would venture to make an observation or two on that subject. All the great judicial officers had been excepted from the operation of the Bill, and even since its introduction the Master of the Rolls had been so excepted. There remained three classes of persons who would be subjected to an annual vote of the House of Commons, and whose retention in this position he understood to be objected to. These were the Commissioners of Lunacy, the police magistrates, and the revising barristers. With regard to some arguments that had been used that it would be an indignity to persons exercising judicial functions to take office if their salaries were subjected to the annual control of Parliament, he thought there must be some exaggeration on this subject. The Commissioners of the Insolvent Courts had always been subject to an annual vote, but no one ever heard that it was an indignity offered to them, or that it created any difficulty in finding proper persons to discharge the duties. He could quite understand that some noble and learned Lords wished to do all honour to their profession, and were fired with the idea of making independent of Parliamentary control all persons whatever who exercised judicial functions. But if they were to ask what constituted a judicial function, he ventured to say that there was no person connected with the conduct of the revenue department who was not called upon to exercise judicial functions. The Commissioners of Excise and Customs, for example, exercised judicial functions of a particularly invidious character connected with the raising of taxes, and which affected those who belonged to that most influential class who were likely to have their interests represented in the other House of Parliament. If, therefore, they were to put on the Consolidated Fund persons who exercised much less invidious functions than the Customs or Excise Commissioners, then they must except those Commissioners also. He hoped their Lordships would feel that great care and delicacy should be exercised by them with regard to such a Bill as the present, after it had been fully discussed and passed by the House of Commons, and that they would do nothing that would lead to the rejection of such a Bill without necessary cause. He therefore hoped their Lordships would agree to the third reading of the Bill, and not consent to its being referred to a Select Committee.

Moved, That the Bill be now read 3^a.

LORD MONTEAGLE then rose to move that the Bill should be referred to a Select Committee. His object in recommending that course was, that the House might examine in the only way in which it could do so with effect the various objections to which the measure was justly liable, and because he despaired of being able to do justice to those objections in a Committee of the whole House, and still more so on the Motion for the third reading of the Bill. He therefore thought it essential that it should be sent before a Select Committee in order that it might be there considered in all its details. As he saw that farther Estimates were to be submitted to the other House that evening, he did not suppose that if the result of inquiry should prove—not that a Bill on this subject was unnecessary—but, that the present Bill was open to such serious objections that it ought not to be agreed to, the noble Lord who had moved the third reading would have any difficulty in introducing and passing a better measure even during the present Session. His objections to the Bill were mainly to the first and last clauses—the other clauses refered to details, which comparatively were matters of indifference. There were few charges brought under Parliamentary control by this Bill, which had not been exempted from the charges of an annual vote on deliberation and on adequate grounds. These charges had been purposely created in such a manner as to be freed from such control. He therefore contended that, both on grounds of political expediency and positive justice, the Bill ought not to pass. The transfer of a salary from the Consolidated Funds to the Votes of Supply deprived the individual to whom it was payable of the legal security he previously possessed, but it subjected one who had an inherent right to his office to the double caprice of a Minister and of the House of Commons. The Minister might refuse to present the estimate, the Committee of Supply might reject the Vote. It was true that there was a clause saving the rights of existing holders of offices, but this was done incompletely and inconsistently; and even had it protected the present holders of office, his objection would apply as soon as the offices became vacant. The Masters of the Rolls and the Masters in Chancery of Ireland, though judicial offices, had originally been transferred to the Committee of Supply, though as an after-thought they had been excepted from the Bill. If on grounds of general policy it had been found expedient to except certain officers exercising judicial functions, it could not be otherwise than wrong that the provisions of the Bill should be made to apply to others of the same class, for instance, to the Commissioners of Lunacy, who exercised judicial functions of no ordinary character; and these Commissioners were to be subjected hereafter to an annual Vote in Committee of Supply. So likewise would be the police magistrates. Then there was the case of the revising barristers: to submit the salaries of these officers, who ought to be kept peculiarly free from the control of the House of Commons, was to return to the system which prevailed upon the first establishment of such officers, and which was amended by the Government of Sir Robert Peel, in 1843, under the Registration Amendment Act, by which their salaries were properly charged upon the Consolidated Fund. They were, therefore, by the present Bill reversing the Parliamentary decision of 1843. While it was proposed thus to deal with the salaries of revising officers in England, the Government had not ventured to adopt a similar course with regard to the salaries of the revising barristers of Ireland, who, though it was true that they were assistant barristers, received a distinct remuneration for revising the lists of voters. These instances, without adverting to many others, showed that the Bill had not been framed with proper precision and accuracy. But he would mention another case. The Clerk of the Crown was a most important public officer, and held his patent office during good behaviour. That office was a charge upon the Consolidated Fund. Under this Bill, as drawn up, the holder's interest was affected, and the charge was transferred from the Consolidated Fund. If there was any one officer beyond another who ought to be independent of an annual Vote, it was the Clerk of the Crown. He issued the election writs, and ought not to be brought before the Committee of Supply. The Clerk of the Patents was dealt with in the same fashion. On what principle then, he would ask, was the Bill framed? Was it on a saving of existing legal rights? That principle he had shown was not uniformly or consistently carried out. A variety of offices had, from the Union, been charged on the gross revenue, before it was transmitted to the Exchequer. The parties had an interest in their salaries for life, or during good behaviour. It was evident that such regrets secured by Act of Parliament, could not be interfered with consistently with the principles of good faith. The life interests of all such persons in England were charged on the Consolidated Fund, and they were protected by the exemption which the Government were compelled to adopt whilst the Bill was in progress. But these Scotch charges being payable out of gross revenue and not out of the Consolidated Fund, were deprived of their legal security, and were subjected to an annual Vote. If these offices were in England, the provisions of the Bill would not come into operation during the lifetime of the parties, but in the Scotch cases it would come into immediate operation. Take, for example, the case of Lion King-at-Arms. The salary of that officer was paid out of the Scotch revenues. If it came under the English provision, the right of the Earl of Kinnoul would have been respected, but in the case of Scotland it would be transferred to the Committee of Supply. He presumed not to inquire how his noble Friend opposite (the Earl of Eglinton), who so loudly complained of the indignity offered to the Lion in the Scotch escutcheon, would tolerate the injustice to the Lord Lion King-at-Arms. History taught that under the ancient cry of *Christianos ad Leones* much cruelty was perpetrated, and future Committees of Supply might not be more merciful, if Parliament were now to pronounce a sentence of *Leonem ad Christianos.* There was another class of cases in which a Parliamentary compact would be violated and injustice done. How would the London parishes be affected by this Bill? A bargain had been made with certain parishes that upon the payment by them of a fixed sum towards the charge of the metropolitan police, they should be entitled as a right to a contribution from the Consolidated Fund. That payment was about to be transferred to the Committee of Supply, and the parishes would have no security for the performance of this engagement beyond the caprice of the Government or the Committee of Supply. Again, take the case of the Secretary of the Irish Education Commissioners. Power was given to them to appoint a secretary. The charge fell upon the Consolidated Fund; but two or three days ago the secretary, who had given up his profession to accept this well-secured income, found that this Bill would deprive him of the solid security given to him by law, and that his salary would be in future held at the discretion of the Government. Even supposing the principle of the Bill to be right, the cases to which he had referred abundantly proved the violation of the principle laid down by the Government. He now proceeded to another part of the question, which was even more important than the points to which he had alluded. Of what did the public complain most loudly in reference to the conduct of both Houses of Parliament? They complained, and perhaps but too justly, that their duties as legislators were imperfectly performed. Year after year measures were thrown aside to such an extent that "the day of massacre of the innocents" was a term which had become a proverb, and described a period annually recurring in the *Parliamentary Calendar*. The present Government, as well as their predecessors, had had one antagonist more formidable than all their political opponents united. That antagonist was Time. Some of the most salutary measures had been defeated by what was called by courtesy "the period of the Session." The effect of this Bill would be to throw still greater obstacles in the way of proceeding with important measures. The increased number of miscellaneous Votes might hereafter double the time now appropriated to such financial purposes, and to that extent would lessen the time applicable to legislative functions; this would necessarily bring Bills to their Lordships' House at such a period of the Session that they would have no alternative but to pass them without consideration, or to reject them in a manner which might be misconceived and misconstrued elsewhere. The success and popularity of a Government naturally depended upon the number of good and useful measures to which it could appeal at the end of the Session as having carried; but already the Government had been compelled to throw over the Divorce Bill, the Ecclesiastical Courts Bill, the Regulation Bill, Landlord and Tenant Bill for Ireland, the County Constabulary Bill, the Testamentary Jurisdiction Bill, the Corrupt Boroughs Bill, the Colonial Clergy Bill, and, above all, the Law of Settlement Bill; all these matters were of importance, greater or less, and all related to the internal welfare of the country. And how many more such measures would have to be sacrificed hereafter, on account of the increased number of Votes proposed to be taken in Committee of Supply—most of them Votes which would not only lead to discussion, but must inevitably excite angry debate and discussion? The number and amount of the miscellaneous Votes had gone on gradually increasing, and the following statement would show their progress from time to time:—Average of ten years, from 1798 to 1807, 1,800,000*l.*; ditto, 1809 to 1817, 2,162,000*l.*; ditto, 1818 to 1827, 2,115,000*l.*; ditto, 1828 to 1837, 2,269,000*l.*; ditto, 1838-9 to 1847-8, 3,016,000*l.*; ditto, 1851, 3,948,000*l.*; ditto, 1852, 4,407,000*l*; ditto, 1853, 4,812,000*l.* The miscellaneous Votes for 1854 would amount to 4,052,000*l.*; and if this Bill were passed, the enormous sum of upwards of 5,000,000*l.* would be added to the Votes in the Miscellaneous Estimates. He was the last person to doubt the right or expediency of the House of Commons acting as guardians of the taxation of the country. That right he had never contested. But although he acquiesced in the claim set up by the House of Commons, he could not abandon the peculiar rights of their Lordships, as a branch of the Legislature and would point out the manner in which they would be acted upon by the Bill as it now stood. Let their Lordships suppose two contending principles occupying the public mind—one the principle of direct, the other the principle of indirect taxation, these principles being, for example, represented by the malt duty and the property tax—and let them suppose a majority of the House of Commons eager to decide in favour of one or other of these antagonistic principles by repealing an unpopular fiscal burthen. At present this could only be done by a legislative Act, in which their Lordships would be called upon to take part. But the present Bill, by placing the voting of the expense of collecting the whole of the revenue upon the Committee of Supply, would enable the House of Commons, by one single vote, cutting off the amount of money required for the collection of a given tax without concert with their Lordships, without the formality of an Act of Parliament, to put an end to that tax. Their Lordships ought to protect themselves and the public against such a course of proceeding. Besides all these objections, he must complain the Bill was drawn up with singular haste, looseness, and inaccuracy; for instance, the Legislature was required in seven or eight cases to enact an *etcetera*, in what ought to be always the most precise and well defined, namely, the appropriation of the public money, as for example, he found the expression "salaries of inspectors, &c." This was surely unbearable. We have heard old complaints of an *etcetera* oath, but an *etcetera* vote of money was still more absurd. But the most gross and most extraordinary inaccuracy he had ever known was contained in the last page of the Bill, where it specified "charges of collection and management of the revenue, superannuations, pensions, &c., of Customs and Inland Revenue," as payable under "various Acts." Now these charges were mostly not payable under any Act of Parliament at all. The revenue was not collected by virtue of any Act of Parliament, but by the prerogative of the Crown, to whom the revenue was voted. On this point he could quote very high authority. In the course of a discussion which took place in the other House of Parliament last year, the Chancellor of the Exchequer said—

> "He was loth to say that any constitutional principle had been violated by the present practice, because that practice had uniformly prevailed in this country at all periods of its history, and under all systems of government, and because he believed that the supervision of the revenue was part of the known and established prerogatives of the Crown."

The opinion of past Governments upon this subject had been referred to, and no doubt the idea of carrying the gross revenue into the Exchequer was thrown out by the late Government, but no measure on that subject was proposed by that Government. A mere suggestion of that kind was not sufficient to show that the present Government had the sanction of their predecessors to this particular Bill. This very same subject was brought under the consideration of the Government of Lord Grey, and a Commission was appointed to consider whether changes of this kind were expedient or not expedient. To the Report of that Commission the most authoritative names were attached; and it recommended the change, but on consideration Lord Grey and Lord Spencer decided that the scheme was inexpedient, and it was not carried into effect. He had shown that the Bill contained principles of injustice—that it dealt with judicial offices with which Parliament had no right to deal as was now proposed —that it dealt with persons who had a permanent right in their offices—that it divested them of their present title and gave them an insecure and inferior title— that in cases where the right of the existing officer was saved, the principle was violated in the case of his successor—that in the case of Scotch offices, the principle was set aside altogether—that the Bill was full of anomalies, and an act of spoliation, the equal of which he had never heard of in the Statute law of England; he therefore trusted they would at once refer the matter to a Select Committee, in order that it might be more fully considered.

Amendment *moved*, to leave out from "That" to the end of the Motion, for the purpose of inserting "the Bill be referred to a Select Committee."

Lord BROUGHAM said, he entirely agreed with his noble Friend in the whole of his argument, both as to the independence of the office bearers, violated by the Bill, and as to the independence of their Lordships' House, violated in a most important particular, to which he would add, the inconvenience sure to result, not only to their Lordships' House, but to the other House of Parliament, from the addition of he knew not how many days to the, at present, all but endless discussions of the items of the Estimates in Committee of Supply. But it was to the interference with the independence of a great class of officers, some of them judicial, others *quasi*-judicial, that he most objected. The result would be to drag to the Treasury a vast number of officers, and make them more or less dependent upon the Secretary to the Treasury for the time being. They would not only be dependent upon the Treasury, but, to a certain degree, upon the House of Commons also, so far as any discussion in that House was sure to result from their salaries being voted in Committee of Supply. Take the case of the police magistrates—one of the items mentioned in the schedule. A police magistrate did not hold his office for life, or during good behaviour; he was liable to be removed by the Crown, and might be removed at any time by the Secretary of State for the Home Department. The consequence was, that the police magistrate did not take the benefit of that saving clause which was intended to save vested interests, because they were not of that description of officers who held their places during life or good behaviour. This would be adding a new item to their dependence, for they would be dependent not only on the Secretary of the Treasury for the time being for their emoluments, but their conduct would be scrutinised and debated in the House of Commons when their salaries came under discussion. He did not wish in the slightest degree to trench upon the privileges of the House of Commons, or upon the just prerogatives which it exercised in carefully scrutinising the conduct of all public officers;—but he thought, if there were any one office which ought to be exempt from unnecessary discussion and unnecessary criticism in Parliament, it was the office of the man who had the delicate duty cast upon him of the administration of justice in the police courts. Without entering into particulars, or any minute retrospective references, he might appeal to their Lordships, whether it would have been expedient, at certain periods of their history, that the conduct of persons charged with the performance of such a delicate duty as that of superintending the police of the country, and particularly the police of the metropolis, should have been made matter of discussion. Take, again, the case of the revising barristers. If there was any man more than another who ought to hold his office independently, and without the possibility of Government influence, it was the individual employed in the delicate and important duty of ascertaining the validity of the claims of persons seeking to vote for Members to serve in Parliament. He would entreat their Lordships to reflect whether, without further inquiry, they would sanction a measure which would deliver over to the discretion of the House of Commons such a multitude of offices, and of equal necessity prevent their Lordships from exercising their just privileges. He thought it would be far better to adopt the Amendment of his noble Friend for a Select Committee, which was, in point of fact, a Motion for inquiry.

THE DUKE OF ARGYLL said, he had listened attentively to the speeches of the two noble Lords, but he had been unable to perceive any argument which should interfere with the usual course of proceeding in reference to money Bills coming up from the other House of Parliament. His noble Friend (Earl Granville) had explained to the House the two main branches into which the measure was divided. With regard to the first, the schedule of salaries and allowances now paid out of the Consolidated Fund, the whole argument used against the Bill proceeded upon the unfounded supposition that it was the rule to charge salaries upon the Consolidated Fund, and that it was the exception to vote them. Now, the fact was precisely opposite. Large portions of all the salaries were voted in the annual Estimates. Exception had been taken to the introduction into the schedule of a certain number of offices which were said to be either of a judicial or a *quasi*-judicial character; but in reply, he must observe, that there was hardly any office which involved the exercise of great administrative functions which might not be said to be of a *quasi*-judicial character. All offices which were strictly judicial had been excluded from the schedule, and left charged upon the Consolidated Fund, and in his opinion they had been rightly so left, because he thought they ought to adhere to the principle that all persons who were engaged in the administration of the law ought to be placed beyond the reach of a casual Vote of the House of Commons. But he thought that they were carrying the principle to an absurd extent, when they said that *quasi*-judicial officers ought to be placed upon the same footing. If they were prepared to go that length they must not only go further, but must go back—they must not only retain on the Consolidated Fund such offices of that description as were now chargeable upon it, but they must remove from their present position, and place upon the same footing, a great number of such offices which were now included in the annual Votes. He had heard no answer to the argument of his noble Friend, that the Insolvent Commissioners were placed upon the annual Votes, notwithstanding that they had, as nobody could deny, not merely *quasi*-judicial, but strictly judicial, duties to perform. But it was said that there were certain other offices which ought not to be included in this schedule, not because they were judicial, but because they involved the exercise of a very large and a very delicate discretion, and exposed those who were called upon to fill them to local influence and popular clamour. But what administrative department in this country had more difficult or delicate duties to perform—duties which required greater independence on the part of those on whom they might devolve, which exposed them more to local influence, or which were more likely to provoke popular outcry—than the Poor Law Board and the Board of Health. Yet these were upon the annual Votes; and so were the Dublin police magistrates, whose duties were as much judicial in their character as those of the police magistrates of this metropolis. He maintained, therefore, that the schedule of this Bill was quite consistent with the ordinary course. Up to the present moment the placing of these salaries upon the annual Votes had been the rule, and those which had been charged on the Consolidated Fund were the exceptions. The Bill provided that existing interests should be protected; and he could not agree with his noble Friend that in thus keeping faith with the individuals they were doing anything to cast a doubt upon the general principle and policy of the measure. On all these grounds he thought the reference to a Select Committee was unnecessary, and he deprecated the adoption of that course as an unusual interference with the ordinary course of business. With respect to the other part of the Bill, by which it was proposed to bring the charges for collecting the revenue under the annual control of Parliament, he could not understand how any noble Lord could argue, as a question of principle, that that was a course which ought not to be adopted. He had in fact heard no argument against it, except that it would lead to delay; and, in answer to that, he would observe that if, as had been suggested, the other House of Parliament should postpone their measures until it was too late for their Lordships' House to consider them, they had remedies for such a state of things in their own power. If, therefore, it were a mere question of time, he thought they might safely leave it to be dealt with by the House of Commons. He thought his noble Friend must have been very hard pressed for an argument when he said that the House of Commons might put an end to a tax, without the concurrence of their Lordships, by cutting off the cost of collecting it.

THE EARL OF DERBY thought it quite right that the charges for collecting the revenue should come under the consideration of the House of Commons; and as that matter had been referred to as having been under the consideration of the Government of which he (the Earl of Derby) was a Member, he would state that the intention of that Government was so far to fall in with the view of the noble Duke who had just sat down as to bring under the control of the House of Commons, not the net receipts of the Customs and Excise and other sources of revenue, but the gross amount of that revenue, and to let it vote the annual cost of collecting it. If this Bill had gone no further than that, he should not only not have said a word against it, but should have given it his cordial concurrence. But the Bill went much further, for his noble Friend had clearly pointed out that it brought into the annual Estimates, and under the annual control of Parliament, various classes of persons who had hitherto been purposely exempted from it. In the first place, it brought under that control certain judicial and *quasi*-judicial officers; and as all their Lordships admitted the proposition that officers of that description ought not to be placed upon the Votes, all that his noble Friend asked was, that the Bill should be referred to a Select Committee, with a view to ascertain what officers were included in the schedule who came properly under the denomination which, they all agreed, ought not to be included in it. Then there were other persons, who, in consideration of offices abandoned, or of alterations made for the convenience and advantage of the public, had had granted to them certain compensations charged on the Consolidated Fund. It was impossible for Her Majesty's Government to contend that such persons would not be placed in a worse position than at present by the alterations made by this Bill. It was true that all life interests charged on the Consolidated Fund were to be protected; but the benefit of the protecting clause would not extend to those life interests which were charged (as some in Scotland were) on the hereditary revenues of the Crown, or on the Customs or Excise. The police magistrates also, as the noble and learned Lord had pointed out, not being appointed during good behaviour, would be brought by this Bill under the control of Parliament. But the noble Duke said that there were some officers of a similar class to some of those which had been enumerated who were now paid by annual Vote, and that if the principle contended for by his noble Friend were to be adopted, they ought to go much further and apply that principle to those officers also. This argument came exceedingly well from the noble Duke, who had stated the other day that having committed one injustice was a very good reason for committing another. But he (the Earl of Derby) could not see why, if they had committed an injustice in placing certain officers upon the annual Votes who ought not properly to have been placed there—

THE DUKE OF ARGYLL said, he had spoken of it as a matter of policy, and not as a matter of justice. There could be no question of injustice with respect to persons who had accepted these offices on the understanding that their salaries would be annually voted.

THE EARL OF DERBY: Well, then, if they had committed an act of impolicy in placing certain officers upon the annual Votes who ought not properly to have been placed there, was that a reason why they should commit an act of impolicy accompanied by an act of injustice with respect to other officers who had hitherto had the security of a permanent income? He would not go through the provisions of the Bill. It appeared to him that the House of Commons was taking on itself by this measure a very invidious and a very laborious duty, and subjecting individuals to a great deal of injustice. He thought that the measure was one which the House of Lords ought to have the opportunity of fully and deliberately considering—that it was impossible that the House itself could enter into the details of all these various offices to which the Bill would apply—and that the proposal to refer it to a Select Committee, not for the purpose of destroying the principle for which the noble Duke contended, by bringing the cost of collecting the revenue under the control of Parliament, but of seeing how and to what extent the schedule would apply, was therefore just and reasonable. They were agreed upon the principle on which they ought to legislate; there was still sufficient time to introduce another measure which should be free from the objections which had been so forcibly urged against this; and even if there were not, the matter was not so pressing as that it might not, without any great public inconvenience, stand over for consideration to the commencement of another Session.

LORD CAMPBELL said, he had received a letter from an able and learned police magistrate, Mr. Jardine, representing the expediency of exempting police magistrates from an annual discussion in the House of Commons. In that opinion he entirely concurred, and he could not conscientiously vote for the Bill in its present shape, although he approved the proposal for placing the revenue under the control of the House of Commons.

EARL GRANVILLE observed that, in deference to what appeared to be the feeling of their Lordships, he would consent to the Bill being referred to a Select Committee, on the understanding that the principle of the measure should not be destroyed in the Committee.

THE EARL OF EGLINTON expressed his gratification at the course taken by the noble Earl, and remarked that in its present form the Bill violated the 20th Article of the Treaty of Union with Scotland.

On Question *agreed to.*

Bill *referred* to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 17, 1854.

MINUTES.] PUBLIC BILLS.—1° Ecclesiastical Jurisdiction; Stock in Trade Exemption; Inclosure, &c., of Land; Militia (Ireland); Common, &c., Rights (Ordnance); Mines Taxation (Ireland); Bleaching, &c., Works.

2° Chancery Amendment; Burials beyond the Metropolis; Court of Chancery (County Palatine of Lancaster); Sale of Beer, &c.

Reported — Stamp Duties; Standard of Gold and Silver Wares; Jamaica Loan; Returning Officers.

3° Joint Stock Banks (Scotland); Poor Law Commission Continuance (Ireland); Registration of Bills of Sale (Ireland).

THE INCLOSURE COMMISSION—QUESTION.

MR. AGLIONBY said, he believed this would be a proper opportunity for asking a question connected with the Minister of War. He referred to the removal of the Inclosure Commission from the house in which they had been located to make room for the War Minister. He did not think that the Government was aware of the importance of keeping the Commission where it was. He did not mean merely the Commissioners and their clerks, but he spoke in behalf of the public and of the landowners of the country, who were most interested in the question. The Commission had in its keeping some 75,000 documents and maps connected with land. The House and the Government could not be aware that the Commission had been removed already four times, and when it was removed from Somerset House to its present office in Whitehall, it took two months to effect its removal and six months for the rearrangement of its documents, and the arrangement was, at present, most perfect for the purposes of inspection. Neither, he apprehended, could the Government be aware that at least eighty persons were at the office every day inquiring for, or inspecting, documents relating to titles, copyholds, and inclosures; and in the space of three minutes any one could see the map or document he required.

MR. WILSON said, with regard to what had been stated by the hon. Member for Cockermouth (Mr. Aglionby), he could only say that the Treasury had used every possible exertion to secure a suitable place for the Minister of War without disturbing the Inclosure Commissioners, and it was not till it was found impossible to obtain a place for the Minister of War near to the other Government offices in Downing Street, that it was determined to remove the Commissioners to St. James's Square, where, he was told, the house was quite suitable for them, and containing every convenience that they now enjoyed. It was of more importance that the Minister of War should have his offices near Downing Street than for the Inclosure Commissioners to remain there.

SUPPLY—WAR DEPARTMENT.

House in Committee of Supply.

17,300*l*., War Department.

LORD JOHN RUSSELL: Mr. Bouverie, I am about to place on the table the Estimate for the present year, ending 31st March, 1855, of the sums required to defray the expenses of the Secretary of State for the War Department; and in doing so I beg to recall to the attention of the Committee what has passed on former occasions upon this subject. I think it was my hon. Friend the Member for Montrose (Mr. Hume) who, early in the Session, stated his opinion—repeatedly expressed before—that the military departments in this country ought to be brought together, and that a special Secretary of State for the War Department ought to have efficient control over these military departments. A right hon. Gentleman whom I see opposite (Sir J. Pakington), and who has been Secretary of State for the Colonies, added his opinion, that the Secretary of State for the Colonies, although he was nominally Secretary of State for War, had not the means in his department to carry into effect those resolutions which he might think necessary for the public service. At a later period the hon. Member for West Surrey (Mr. Drummond) asked me a question in reference to this subject, and certainly received a very general assent from the House when he said that he hoped there would be a Minister of War. In answer to him, I stated that the subject was under the consideration of the Government. A little later I said that the Government had determined that the departments of Secretary of State for War and the Colonies should be divided, and that further arrangements were in contemplation. I have now to give the Committee a general outline of the changes that have so been made. In the first place, I beg to remind the Committee that I stated that two questions came under consideration together, though of a very different character. The one was, whether in time of war it is desirable to keep united the offices of Secretary for War and for the Colonies; and the other was, whether, with a view to public convenience in the arrangement of the business of the departments, it is desirable to make other changes with regard to the military departments, and to simplify and consolidate the business which they have to transact. With reference to the first question, the Committee is aware that during the late war the Secretary of State for War and the Colonies could devote his time and attention to the business of the war—to the fitting out of expeditions and the other military arrangements—the colonial business at that time occupying only a comparatively small portion of his time. Since the peace, and especially during the last twenty years, the business of the Colonial Secretary has very greatly increased. In almost every colony—even in some of the military colonies—there have been discussions with respect to arrangements for the control of the public expenditure, and many questions, some of the highest and gravest importance, have arisen in our several colonies. It therefore appeared to the Government that, considering that question alone, it was not desirable to keep these offices united, and that, although it was physically possible for a person of great decision, of great habits of business, and of health which should be uninterrupted, to go through the business somehow or other, of the two departments, yet that it was desirable to separate them for the sake of the efficient discharge of the duties of each. The questions that would come before a Secretary of State in each department might be of the utmost importance. The fitting out of an expedition, the troops that are to compose it, the points to which it is to be directed, the means that are to be employed, are all subjects involving questions that would require the sole and undivided attention of a man of the utmost practice in public business. On the other hand, although it might happen that the consideration of ordinary colonial questions might often be postponed, still from time to time there do arise questions that cannot be deferred consistently with the order and with the satisfaction of the Colonies, and which require, both as to their principle and details, the undivided attention of the Secretary of State. On these grounds, therefore, seeing the great war in which we are engaged, the Government thought that these departments should be divided. With reference to the other question—which, as I said, is of a totally different nature — it is one that has from time to time occupied the attention of former Governments. It was not long after Earl Grey's Administration was formed that the Duke of Richmond represented to Earl Grey that it was very desirable to inquire whether the military departments might not be consolidated with considerable advantage to the conduct of public business. A very extensive inquiry was made into that subject by a Commission consisting, besides the Duke of Richmond, of the right hon. Member for Coventry (Mr. Ellice) and of Sir James Kemp. There was also employed, as secretary to the Commission, a gentleman of considerable ability, Mr. John Bissett, once Commissary General in the Peninsula. But, although the Duke of Richmond arrived at conclusions in which I was ready to concur, the Government did not think fit to adopt them, in consequence of the practical difficulty of putting them in force. At a later period of time the present Earl Grey, when Secretary at War, assisted by some of his Colleagues, made very extensive inquiries, and proposed a different scheme of arrangements. To that scheme of arrangements, which consisted mainly in placing the Secretary at War in the position, though with the functions and the proper attributes, of a Secretary of State, there were some objections, arising from the nature of the department, and there were also other practical objections of a most forcible nature which were stated by the late Duke of Wellington and the late Marquess of Londonderry. That plan was not adopted, and I do not know that any subsequent Government has proposed any inquiry into the subject. And although, from time to time, up to the present day, several changes have been under consideration, no material or organic change has been adopted. In considering this subject, it has appeared to the Government that the chief inconvenience that we have to complain of is, that, the military departments being divided into several heads, there is no supreme head to administer those departments generally. I have stated on former occasions that I do not think it is any fault that separate official persons should have separate duties, although they may belong generally to one department. As in the construction of this House, for instance, it would be absurd to endeavour to consolidate and join the departments of the mason, the carpenter, and the bricklayer, but it would be equally absurd to have three or four architects, who should give different opinions as to the general construction of the building. What is wanted, therefore, is one supreme head, who should be able to take into his view the wants, the requirements, and the duties of the several departments, and to govern them with full information and with decision, and be able to come to a final conclusion on the subjects which occupied his attention. One of the departments which it is most obvious should be placed under a Minister of War is the Commissariat, which is now a department of the Treasury. There are reasons for that arrangement, connected not so much with the distribution of provisions and supply of arms, or what the Duke of Richmond called the feeding the army, as with the financial operations which the Treasury has to perform in distant parts of the empire. Now, although the Treasury should have the general superintendence of the financial concerns of the public, there does not seem any convenience, but the contrary, in an officer of the Treasury having the regulation of the arrangement and distribution of rations to the troops. That is business which does not properly belong to a department which has the general supervision and control of the finances of the country; it is an executive function of itself, and, therefore, should belong rather to an executive Minister, such as a Secretary of State, than to the department of the Treasury. The Government, therefore, are of opinion that, besides what I have stated as to the general direction of the operations of the war, the Minister Secretary of State for War should take the direction of the Commissariat Department. With respect to other questions, there are many changes which have to be considered; but few which can at once be carried into effect. In considering this subject, I remember that the late Duke of Wellington gave the opinion that the Master General of the Ordnance was properly the officer who ought to be the military adviser of the Government, that he, being in possession of the military wants of the country, should be best able from time to time to give the Cabinet such advice as he should think proper on military topics. But although this is apparently, and may be occasionally, a very good arrangement, it is obvious that it can very seldom be practicable. If you could find on ordinary occasions a general who had taken a political part and held the same opinions as the Members of the Government, supposing him to be in the prime of life, and his opinions in regard to military subjects very generally held in esteem, it would seem very fit, whether he were to be called the Master General of the Ordnance or by some other name, that he should be the military adviser of the Government. But such a concurrence of circumstances is very seldom the case, and we generally find that the mode in which the office of Master General has been supplied is this. You find a man of great military distinction—Sir George Murray, or Sir James Kempt, or the Marquess of Anglesey—appointed to fill the office, a man who has won great honours in the field, and who, therefore, is placed at the head of the Ordnance Department. But this will not suffice for more than the most ordinary occasions. What the Government must look to for the present purpose is an officer who can provide for the homogeneous administration of all the arrangements requisite, including all the civil arrangements connected with the office. For, observe, it is not the case of a military chief merely, a general, however distinguished, placed at the head of the artillery and engineers, and intrusted with the supply of arms and the care of fortifications; there are added to the department great civil functions, which connect it at once with the political as with the military duties of the State. For instance, take the subject of barrack accommodation for the troops at home and abroad, which is one of high importance, involving various considerations, and for which Estimates are presented to this House involving very considerable expenditure to the country. But the manner in which that question has been generally conducted is one which makes it very difficult to come to a permanently sound conclusion. I mean, for example, that the Secretary of State for the Home Department, finding that there are riots and tumults in a particular district, and being told by persons resident in it that it would be a great security for them to have a garrison at a particular spot for their protection, would naturally take measures to have barracks constructed in that locality. But it is obvious that the question of barrack accommodation in the United Kingdom involves both civil considerations of expense and military considerations as to the stationing of troops at points where they are wanted, and from which a concentration might take place at the shortest notice. So, likewise, with regard to the Colonies. At one time a long and voluminous correspondence occurred, which has been referred to by Earl Grey on a recent occasion, with regard to the best mode of disposing of troops in the island of Jamaica. Opinions were given here on the subject by persons of authority, and those opinions were sent out by the Ordnance Department to the Colony. Reports came back, which were referred to the Treasury. The Treasury then consulted the Secretary at War and the Master General of the Ordnance, and more than a year elapsed without a solution of that question. Now, it is obvious that a Secretary of State for the War Department, having the authority which a Secretary of State has, being also connected with the Government, being by his office of Secretary of State a Member of the Cabinet, would have brought that question to a very speedy decision; he would have informed himself authoritatively as to what was the salubrity of the position proposed, its fitness for defending the locality from attack, the cost, and all the other circumstances, and, having thus arrived at correct and complete information, he would have been enabled to act at once and authoritatively. Take, again, the question of fortifications; the question of fortifications, both at home and abroad, is one of the very greatest importance. I will not touch now on the question of home fortifications, but I will take the fortifications of distant dependencies—of Corfu, of the Mauritius, with reference to which the Committee on Military Expenditure made a Report, in which they desire the Government fully to consider the subject. It is obvious, that the question of raising or of adding to those fortifications requires very close attention, which attention as obviously is closely mixed up with the policy of the State, the future intentions of the Government as to those Colonies. I remember, with reference to Gibraltar, when I had the honour of being Secretary of State for the Colonies, a Commission was appointed consisting of several high military authorities, and a considerable time passed before they came to any decision. A Master General of the Ordnance, not politically connected with the Government, of course rather hesitates to give an opinion by which very considerable expense may be incurred, without being fully aware of the views of the Cabinet on this subject. A Minister of War would be enabled to collect all the materials necessary for forming a judgment in this case, and before the Estimates for the year were prepared he would have gone over them, and would have informed the Government what measures were in his opinion necessary, and whether it was advisable that any further expenses should be incurred, or whether any retrenchment could be safely effected. So with regard to our West India Islands; several years ago it was found that those islands, having been occupied in time of war by large bodies of troops, had a great number of forts mounted with cannon, which required small parties of artillery to be posted in different places in order to keep them in repair, and questions arose as to the arrangements which should be made for these objects. Upon such points the opinion of a Secretary of State for War would probably be of great use in drawing up the Estimates. With regard to the department of Secretary at War, there are less changes that can be made. The business of the Secretary at War is chiefly one of details; if you have 100,000 men, you have a certain Estimate and various arrangements consequent on that number, and so if you have 20,000, or 30,000, or 40,000. A good deal of consideration is required in order to fix the point at which your establishment should be kept; but that having been done, there are few questions of difficulty which arise. Except in regard to the Commissariat, I cannot now enter into any outline of the official arrangements which will be made. The question has been found one of much difficulty by the Governments of Earl Grey and Lord Melbourne, and I think it better that the head of the department, an active man of business—such as my noble Friend the Duke of Newcastle, who is now at the head of it—should take into his consideration what changes are expedient in the whole department, and should propose them when they are required. With regard to the Commissariat, I see no objection which can be made to the change we propose. I do not see that there is any other change that can be made in the official arrangements, and I will only say that there is no person who is in the Government charged with any department who will make any personal objection to such arrangements as may be thought necessary for the public service, and that whatever arrangement shall be thought desirable, it will be cheerfully acceded to. With respect to another part of the arrangement—namely, that relating to the militia—I think the arrangement prevailing at present is, that the embodied militia comes under the Secretary at War and the Commander in Chief, but the disembodied militia is under the Secretary for the Home Department. As at present advised, we do not think it expedient that any change should be made in that respect; if it should be thought necessary, it can be made at any time; but the present arrangement being one that concerns the colonels of militia, and other officers who are in the habit of transacting business with the Home Department, there appears no advantage in making any other change. The great benefit which I think will be gained by our measure is the separating the civil from the military department, a great part of the business now done at the Board of Ordnance under a military chief being entirely of a civil nature. It appears to me, whatever may be the mode in which you arrive at the result, that the Commander in Chief and the Master General of the Ordnance, if those two offices are to continue separate, or the head of both combined if they are to be united, should have the whole control of the discipline and patronage of the Army, including the artillery and engineers, and that, on the other hand, the civil departments should have the whole of the arrangements that are necessary for the lodging of the Army, the fortifications at home and abroad, the provisioning and pay of the troops. When these changes shall have been effected, the House of Commons will then have before it, on the responsibility of the Secretary of State for the War Department, the whole military expenditure of the country. Therefore, if there should be any complaint with respect to furnishing provisions for the troops, for instance, instead of saying that the arrangements of the Treasury have been defective, the House will be enabled to call on the Secretary for the War Department to answer, and will consider him responsible, for arrangements which must at all times entail a very heavy burden on the country. These, Sir, are the general arrangements which are in contemplation. I have already said that I think there are others which must be carried into effect from time to time. It would be impossible to carry them into effect at present, now that we are at the beginning of a war, when the Secretary of State is fully employed by those urgent and important duties which belong to the Minister who is to superintend the military expenditure of the country, and give directions for the employment of our forces. Having explained the general views of the Government, what I have to ask of this Committee, therefore, is to afford time, in order that new arrangements may be carried into effect on the responsibility of the Government. Every question of this kind must be duly weighed by the Government. There are, at present, two offices at the Board of Ordnance usually held by Members of the House of Commons, which are now vacant. There is the office of Surveyor General, and there is the office of Secretary to the Master General of the Ordnance. It is not intended, without full consideration, to fill up those offices. When I say this, I mean it is not intended to fill them up in the way in which they have been filled up hitherto. At present the only information I can give is, that, while we think it is not necessary to keep up the office of Secretary to the Master General of the Ordnance with so large a salary as he has received hitherto, it will be necessary to appoint a Surveyor General for the Ordnance Department. If, however, the Ordnance Department is kept up as it is constituted at present, it may be advisable rather to appoint a person who has special knowledge with regard to the important duties which belong to that office, than to appoint a Member of this House who is not equally conversant with those duties. I think the efficiency of the department might be served if a change of this kind were made, but I am asking now that the whole subject may be reserved for the consideration of the Government, and I shall put the Vote on that understanding. I should say, however, having regard to the amount of the Vote, that a considerable part of the expense has been already voted. We considered it right that it should come again before the House in the shape of this Estimate, and that it was desirable the House should have all the details of expenditure connected with the department at one time under its observation; but I think to the amount of about 2,000*l.* a year or more of the salaries contained in this Estimate have been already voted among the Estimates relating to the Colonial Department. There are other salaries—of which I cannot tell the exact amount—which have already been voted under the heads of other departments, the Treasury and the Home Office. With regard to the offices vacant, I should state, first, that the military Under-Secretary was appointed by the Duke of Newcastle when he was Secretary of State for War and the Colonies. As respects the other Under-Secretary, the proposal is to appoint a gentleman to that office that he may conduct the correspondence, and have charge of the arrangements with regard to other offices which must be placed under the control of the Secretary of State. It is at the same time intended, however, that the person who is to fill that office shall be told that he will have no longer tenure of office than until the final arrangements are made; that those final arrangements may provide other duties which he will have to discharge, and that, therefore, for the present, it will be only a provisional appointment. With regard to the senior clerks, the assistant senior clerks, and the junior clerks—three classes of clerks—it is intended that they shall all of them be appointed from offices where they are at present employed as clerks. It is not proposed to appoint any new persons to these duties. There will be a fourth class of probationary clerks, with salaries of from 100*l.* to 150*l.* a year. With this explanation, I beg, Sir, to move the Vote of 17,300*l.* for the salaries and other expenses in the department of Her Majesty's

Secretary of State for War, from the 12th of June, 1854, to the 31st of March, 1855.

SIR JOHN PAKINGTON: I have listened, Sir, to the statement of the noble Lord with feelings of the greatest astonishment and disappointment. The noble Lord has told us that he has stated the views of the Government. It appears to me, however, that that is exactly what the noble Lord has not told us. I can only understand from the speech of the noble Lord that, with the single exception that the Commissariat is to be transferred from the Treasury to the new department, the Government have formed no views on this subject, and that they have called into existence a new department of the State and have established a new Secretary of State—an officer of the highest class—without having at all determined what are to be the duties of that office, or what are to be the new arrangements upon this subject which, under the force of existing circumstances, has become one of the most important which can come under the consideration of this House. The noble Lord, in the outset of his observations, did me the honour to refer to some remarks which fell from me in a former discussion during the present Session upon this subject. So far as the remarks which then fell from me are concerned, I entirely agree with the noble Lord as to the course of the Government—namely, that now we are unhappily involved in war it has become impossible for any public servant holding the position of Secretary of State for the Colonies adequately to fulfil the duties of that office in conjunction with the duties which devolve upon the War Minister, by whatever title he may be designated. I pointed this out as strongly as I could upon the occasion to which the noble Lord has referred. The noble Lord the Member for Totness (Lord Seymour) and others spoke to the same effect; similar views have also been expressed with the greatest force in another place by my predecessor in the Colonial Office (Earl Grey); and it is impossible for any one conversant with the arduous duties of the Colonial Minister to suppose that that Minister could satisfactorily conduct the affairs of a serious war. But I think the Government ought not to have been content with stating their opinion that now we are involved in a great war the duties of the Minister of War ought to be taken away from the Minister charged with administering the affairs of our Colonies. I think we had a right to expect that, before the Government came down to this House and asked us to vote an Estimate for the establishment of a Secretary of State and of a new department, they were bound to have made up their minds what were to be the duties of that Secretary of State, and how and in what manner the present anomalous and inconvenient management of the Army was to be reconstructed. But the noble Lord has done nothing of the kind. The noble Lord has scarcely dwelt upon two considerations which bear upon this subject, and upon which I for one confidently expected that he was about to enter into the fullest details and to give the most ample explanation. Are the Committee and the country aware—I hardly think they can be—that the present arrangements connected with the government of our military forces may be divided into six different classes—namely, those connected with the Army (the regular Army, that is, of cavalry and infantry), the artillery, the pensioners (who have lately been embodied in a distinct corps), the yeomanry and militia, the Commissariat, and the dockyard battalions? Under the present anomalous government of our military forces every one of these different branches of the military service is under a different head and subject to a distinct authority. The Army is mainly managed by the Commander in Chief; the artillery is managed by the Master General and the Board of Ordnance; the pensioners, I believe, are under the direction of the Secretary at War; the dockyard battalions are under that of the Admiralty; the Commissariat is subject to the supervision of the Treasury; and, as to the yeomanry and militia, I think it would be very difficult indeed to say under whose authority they are. Here you have these six different branches of the military force of the country under six different departments connected with the Government of this country. Then, how is the administration of the Army itself conducted? Why, for the conduct of the Army there are no less than five different departments. I speak now, of course, of what has been the state of things up to the establishment of this new War Department. The Secretary of State for the Colonies was theoretically and nominally the War Minister. You then had the Horse Guards, with the Commander in Chief; the Ordnance, under the Master General; the Commissariat, under the Treasury; and you had the office of Secretary at War distinct from all. Well, I do think, if this subject was to be broached by the Government, that the Government were bound to have made up their minds in what manner they would amalgamate and consolidate these six different branches of our military forces and these five different authorities, among which heretofore all these branches of our military establishment had been divided. Let me remind the Committee that this is by no means a new subject. It is a subject to which, for very many years the attention of the Government, of Parliament, and of the country has been at different seasons directed. The noble Lord opposite has reminded us to-day of the fact that, so long ago as the time when the Duke of Richmond held office under the Administration of Earl Grey, a Commission was appointed upon this subject, of which Commission the Duke of Richmond was Chairman, and of which the noble Lord himself was a Member. The noble Lord has adverted also to a subsequent Commission appointed in 1836, of which the present Earl Grey, then Lord Howick, and also, I think, then Secretary at War, officiated as Chairman. Of that Commission the noble Lord himself and the noble Lord now Secretary of State for the Home Department were Members. In 1837 this Commission made a very able and elaborate Report. The recommendations of that Report were distinct and strong. They recommended that the anomalous state of things to which I have adverted should be put an end to; that the Master General of the Ordnance and the Commander in Chief should continue to fulfil their present executive functions with regard to the military branches of these two departments; but the Commission recommended that the civil duties of the various departments connected with the Army should be consolidated; that the anomalous and inconvenient duties of the Secretary of State for the Colonies should be put an end to; that the Secretary at War should be made an important officer, with a seat in the Cabinet, as the responsible War Minister in this House, though not a Secretary of State, the Commission recommending that the directions of the Sovereign for the movements and employment of the troops should still be conveyed through one of the Secretaries of State; and, if I remember right, the Commission also recommended that the Commissariat should be transferred to a new department, and should be taken away from the Treasury. The noble Lord told us that, in consequence of objections on the part of the Duke of Wellington, the recommendations of that Commission were not carried into effect; but the noble Lord did not tell us that he, as a Member of that Commission, and having concurred in its Report, now dissents from the recommendations to which he was then a party. I heard nothing from the noble Lord at all to imply that he had changed his mind. The only reason he assigned for not having carried out the recommendations contained in the Report to which I refer was, that the Duke of Wellington objected to them. [Lord John Russell: I said that the Duke of Wellington gave very good reasons for objecting to them.] Well, but the noble Lord did not tell us that he dissents from those reasons and did not now concur in the Report of the Commission of 1837; neither did the noble Lord refer to the important fact that in the year 1850 a Committee of this House was appointed to inquire into the details of our Army and Ordnance expenditure. Of this Committee the noble Lord the Member for Totness (Lord Seymour) was the very able Chairman; it was selected with great care; it contained Members most competent to form a judgment upon the subject intrusted to their consideration; and that Committee recited in their Report the recommendations of the Commission of 1837, repeating those recommendations, and advising that the Report of that Commission should be acted upon. Here you have a third competent authority showing you distinctly how these anomalies might be got rid of, and how the inconveniences hitherto existing might be obviated; but to the fact of the Report of that Committee the noble Lord has made no reference whatever. Perhaps the Committee will allow me, however, to recall its attention to what passed upon a previous occasion, during the present Session, upon this subject. I was one, in common with many other Members of this House, who were greatly surprised that with a war already imminent—a war which too probably will be a very protracted one—the Government had not directed their attention to this subject before Parliament met, while they had the leisure of the recess, and that they were not prepared, upon the meeting of Parliament, to present a complete scheme for the consolidation of these different departments, and at once to put the Army in a position better fitted for the arduous duties upon which they are now embarked than they can be expected to be under their present conflicting and anomalous administration. But the Government had not, as I think they ought to have done, directed their attention to this subject, and had not made up their minds how they would deal with it before the present Session of Parliament met. After Parliament had met, of course this unsatisfactory state of the Government of the Army became the subject of comment and debate in both Houses. It was adverted to with extraordinary ability in the other House of Parliament, while in this House our attention was directed to it by the hon. Member for Montrose (whom I regret not to see in his place), and that debate took place to which the noble Lord has already referred. Let me remind the Committee of the language held on that occasion by the right hon. Gentleman the Secretary at War and by the noble Lord himself. We complained of the unsatisfactory state of affairs connected with the administration of the Army, and the right hon. Gentleman the Secretary at War made a strong speech in answer to those complaints, declaring that, though there might be anomalies, the existing state of things ought to continue. He referred to the great advantages which arose from the division of labour, deducing from his arguments the opinion that it would be better to go on as we were; and he quoted some opinions expressed by the present Lord Grey upon the subject—

> "If," he said, "Lord Grey thinks there is a time when no alteration should be made, *à fortiori*, the present is a moment when, in my opinion at least, it would be dangerous to make such a change as that proposed by my hon. Friend" [namely, a change in the management of the Army, and the consolidation of the various branches of the service]. "At any time I think you ought to proceed step by step. The process should be gradual; but, at this moment, I do not believe you could undertake a more rash experiment than when you are about to enter upon a serious contest, and when you will have the greatest pressure upon your machinery from being engaged in a very hot war."—[3 *Hansard*, cxxxi. 241.]

The noble Lord followed, with very similar language—

> "My right hon. Friend," he said, "has explained the great difficulty and inconvenience that would arise from attempting to carry into effect a new organisation of the departments at a moment when they are all required to make the utmost exertions in the preparation of the expedition now on its way to the East. . . . . Instead of its being a great public convenience, I believe it would be a great public inconvenience, if the carrying out of these arrangements were to be transferred to any other department."—[3 *Hansard*, cxxxi. 259.]

In the course of a previous debate it has been announced that the pressure of business upon the Colonial Secretary was so great that the Government intended to add a new clerk to that department, and I then yielded to the force of the arguments used. I believe that the plan then proposed by the Government was a prudent and a wise one, and that it would have been a proper course in the existing state of things to wait until the recess enabled the Government to devote their whole attention to the subject, and to frame some definite plan to lay before Parliament and before the country. I heard with astonishment, however, that during the Whitsuntide recess the reluctance of Her Majesty's Ministers to make any changes had vanished, and that in the course of those few days the Government had determined to establish a new department and a new Secretary of State, and I am bound to say that, in my opinion, the speech of the noble Lord has gone far to prove that his first intentions were wiser than those which he has since adopted. It would have been far better, I think, if the noble Lord had deferred until after the Session the consideration of this subject, and had then framed some definite measure, instead of coming to this House with an imperfect proposal for establishing a new department without having determined, except in one trifling respect—namely, the transfer of the Commissariat from the Treasury to the new War Department—what are to be the duties of that department. The noble Lord has adverted to the subject of barracks and fortifications, but I did not understand him to say that either barracks or fortifications were to be transferred to this new department—indeed, what I did understand was, that they were to continue to be under the Board of Ordnance. [Lord JOHN RUSSELL expressed dissent.] Well, at all events, I did not understand the noble Lord to express any very decided opinion that barracks and fortifications were to be transferred to the new department, or that the Government had at all made up their minds except with regard to the Commissariat. There is one circumstance, however, which must have struck everybody who has heard the speech of the noble Lord, and I myself listened with the greatest anxiety to hear if anything should fall from the noble

Lord with regard to the anomalous position in which they have placed the Secretary at War. The country must have been surprised to find that, when the Government had so far matured their plans as to constitute a new department, the office of Secretary at War was still to be allowed to continue; that that Minister was still to be left at the head of an important public department, and to hold the position of a Cabinet Minister. What authority, I must ask, does the noble Lord find for that arrangement in any of the Reports to which I have just referred? One of the suggestions which has been thrown out by authorities competent to deal with the subject is, that there should be a new Secretary of State, but that he should discharge those duties which had hitherto been performed by the Secretary at War, and that the latter should cease to be an office any longer recognised after the office of the new Minister had been established. Another plan which has been suggested is, that the new Secretary of War should become an important officer, but not a Secretary of State. I know of no recommendation, however, having been made by any Commission in which the simultaneous existence in the Cabinet of a War Secretary and a Secretary at War was urged as advisable. I cannot, indeed, help thinking that the anomalous position in which matters then stood is the strongest proof that can be furnished in support of the supposition that the Government have, from some motive or another, changed their mode of action, in order to add an additional Cabinet Minister to their ranks during the Whitsuntide recess. As a consequence of that step, the Committee are now called upon to vote a sum of money to defray the expenses of a new department, and to contribute to the support of a Secretary of State whose duties it is perfectly clear that even the Government themselves have not defined. I think we have great reason to feel extremely dissatisfied with the statement which the noble Lord has made this evening, and that we have a right to demand that some explanation should be given as to what distinction, if any, exists between the duties of the new Minister and those which devolve upon the Secretary at War, both these functionaries being Cabinet Ministers. I shall, therefore, resume my seat in the hope that before the Government call upon the Committee to grant the Estimate for which they have asked we should receive some explanation upon the changes which have lately taken place in the War Department of a more satisfactory nature than those which have been afforded by the speech of the noble Lord.

MR. SIDNEY HERBERT: I am afraid, Mr. Bouverie, after the statement of the right hon. Gentleman as to the astonishment, regret, and surprise, with which he heard what fell from my noble Friend—astonishment in which the right hon. Gentleman usually finds himself when any proposal is made to the House to which he cannot assent—that I shall not be able to remove that astonishment by anything which I am about to address to the Committee; but I hope I shall be able to make clear to the great body of the Committee what are the intentions of the Government, and to defend the course taken by the Government, which has been so impugned by the right hon. Baronet. The right hon. Baronet said he was surprised that we, who so short a time ago expressed opinions diametrically opposed to making any change in the military departments, should now suddenly propose to make a complete reconstruction of those departments. The right hon. Baronet quoted one or two extracts from a speech that I had made on this subject, in order to show that I, at least, had expressed an opinion that the present system was perfect and ought to continue. I think the Committee will do me the justice to believe that at the time when we before discussed this question there was no want of frankness on my part in stating my opinions on the subject. I have held my present office in the Government on two separate occasions, and having turned my attention a good deal to this subject, I thought it would not be inopportune in me, though not speaking with the authority of the Government, to give a general outline of what appeared to me were the principal defects of the existing system, and of the measures which seemed to me necessary to remedy those defects. Now, it is quite true, as stated by the right hon. Baronet, that I had spoken in reprobation of the arguments used for a consolidation of the military departments, grounded on the misunderstandings which had arisen between the different military and civil officers at the commencement of the present century. Now, a great deal of public feeling has been excited upon this subject, which is entirely uncalled for. We have great difficulties to contend with in dealing with these departments; and I say, let us apply ourselves to that task, but let us first get rid of all those pre-Adamite anecdotes, founded on conversations of old in which some hon. Gentlemen are wont to indulge, but which are wholly foreign to the purpose in hand. What I stated to the House on that occasion was, that, so far from difficulties being caused by the distinctions between the heads of the military department, nothing could have worked more harmoniously; but I also said that I was quite willing to allow the inconvenience of the present system, that the Commander in Chief has not that knowledge of the Ordnance Department, and not that combination between men and *matériel*, which ought to exist. It is true that, if a fortification be built by the Board of Ordnance, the Commander in Chief may disapprove of it, and that he may not view it with the same scientific eyes as the Ordnance authorities; but I much question if it is always desirable that things should be regarded by scientific eyes alone. I think that it is a great evil to have the separate action of two departments not controlled by one superintending authority, but at the same time that superintending authority is not necessarily to be procured by consolidation alone. For some years past, when there has been work to be done, and the other departments have been much employed, it has been intrusted to the Ordnance, and any one who will look to the Report of the Commission will see what additional duties have been placed upon the Ordnance Department; and, indeed, I am not sure that we do not now suffer from over-consolidation rather than the want of it. What you most want is, not so much the consolidation of the different departments, but one supervising authority, with a view to make all of them act in harmonious combination. I said at that time that it appeared to me the provisioning of our troops in the field and at home by a department which has, practically, nothing at all to do with that subject, but which has a great deal to do with it in reference to the cash supplies for carrying it on, was wrong in principle. I think the department of the Treasury, which is a department of check, but which is not an administrative department, should not be intrusted with a duty of that kind; and I suggested that the direction of the Commissariat should be removed from the Treasury to the military departments. I may here also state that I have expressed my opinion that the Board of Ordnance might be divided into two portions. It is now, practically speaking, divided into the civil and military departments, and nothing can be more distinct than their operation; for, while both are governed by the same man, they are not governed in the same manner. There is, then, a clear distinction between these portions of the Ordnance Department; but to what extent that distinction should be carried is a matter which ought to be carefully inquired into before any decision is arrived at. It is a question of great importance as to whether the Commander in Chief shall have the control over the engineers and artillery, and the Commission of 1837 had recommended that they should be continued under the authority of the Master General of the Ordnance. I have no doubt that there are some sound reasons for that opinion, although personally I have thought that the Commander in Chief is the proper person to command the whole *personnel* of the army, and, in that discussion to which I have already referred, I proposed that the military portion of the Ordnance Department should be transferred to the Commander in Chief, while the civil portion should continue under the control of the Board of Ordnance. That I thought was a clear and distinct settlement; but that the right hon. Gentleman should have interpreted it as implying my complete adhesion to the existing system, does for the moment inspire me with some of that surprise which so constantly agitates his own bosom. The right hon. Baronet says the Government ought to have been in a condition to act immediately on the spur of the moment in this matter, or not at all. The Report of the Committee to which he has referred was published in 1837. Well, what happened in the case? The Committee came to no decision upon the subject, but there were one or two Reports drawn up by different Members of that Committee; and when the Commission sat which subsequently reported, they dissented from those views, and substituted one of their own. At any rate, therefore, the subject was not so easy of decision as the right hon. Baronet seems to think. This Commission having reported, no Government that succeeded it has ever attempted to carry that Report into effect—and why? Because they felt the change was so great, involving, as it did, the remodelling of every military department, and their consequent consolidation, that unless they had a great deal of concurrence of opinion in favour of that specific plan, and unless there was a great change of feeling, it would be in vain to attempt to carry it out. Four Governments succeeded to the appointment of that Commission, but none of them attempted to make the change which had been suggested. It might be possible to do a great deal, and I hope it is so, at the present moment; but, I must say, at the moment when every department was strained to its utmost, for the purpose of sending out, on a great emergency, a force amounting to nearly 40,000 men, under very great difficulty with regard to ships, but I hope and believe in a state of very great efficiency—if we had chosen that as the time, as suggested by the right hon. Baronet, for carrying into practical effect certain theoretical improvements in this and that particular subject—if we had, regardless of delay, and of the great emergency, set about squaring all these departments to a model suggested twenty-five years ago, the Government would have been unworthy of the position they hold, and unworthy of the confidence of the country. The Government felt, and justly felt, that the first thing to do was that which pressed most. There is no doubt about it, that the duties of a Minister charged with the management of the Colonies, are so great and so numerous as to be incompatible with those of carrying on a war. In former years, when this country was at war, the Colonial Minister, it is true, carried on the war; but for the simplest of all reasons, that he neglected the business of the Colonial Department. But that cannot be done now. That, as I have said, was the first thing to be done, because it was necessary to the efficiency of the service, and therefore we did that first. My noble Friend the Lord President stated, that the Government would then take care, after due consideration, and step by step, to put the new departments on another system, which should free them from the recurrence of acknowledged evils; but he declined to state exactly how he would distribute the various duties, and what changes he would make in the different departments. And he was quite right in acting on general principles; for I may remind the right hon. Baronet that this paragraph appears in the Report of the Committee which sat three years ago—

"Your Committee refrain from pointing out any detailed course of action on this subject, leaving the responsibility of that to those whose official position and authority can alone guide them in applying a remedy to the present state of things."

I stated at the commencement of the Session, when the hon. Gentleman the Member for Montrose (Mr. Hume) raised this question, what were my views on the subject generally, and what were the views of the Government. From none of those views have I seen any reason to depart. We have already taken this great step—we have disconnected the Colonial from the War Department. We have, therefore, established an officer who will be the responsible head, who can supervise all these establishments, and who can supervise all the changes which are to be affected in these departments. He will at once have the Commissariat put under his authority. That is a great and important step. He will then have the means of examining to what extent the consolidation of the military and civil portions of the Ordnance can be carried into effect. But if you ask us to put the whole machinery out of gear for the sake of introducing some theory which the right hon. Baronet might easily in a few moments sketch out on a sheet of paper, I say I think the subject is by far too important to be treated so lightly as that; and on such an emergency the Government are bound to feel their way as they go on. They would not risk the efficiency of those departments, on the efficiency of which the safety and success of our arms at this moment so materially depend. The right hon. Baronet complains of the position of the Secretary at War, and says that, in his opinion, the office ought to be abolished, or else that the full control of the War Department should be intrusted to him; and the right hon. Gentleman went on to say, that he could not understand how two Cabinet Ministers could be engaged in the military department. With regard to the first complaint, I can only say that the Secretary at War has nothing whatever to do with the management of war. The duties of the Secretary at War are duties delegated to him by the Treasury. The Treasury has the great financial check and control over all the expenditure of the country; but the expenditure of the country is too great and too minute in its details to be susceptible of being checked by any officer of the Treasury, and therefore they delegate to the Secretary at War, with reference to the Army, all the powers which they exercise themselves in respect to other departments of expenditure, and he checks and controls the expenditure with a view to proper economy and efficiency. If, therefore, you have him doing the duties of both departments, he ceases to have any check or control. I have heard the hon. Member for Montrose constantly complain that the management of the Navy was far more expensive than that of the Army. I have no doubt the management of the Army has been far more closely looked into than that of the Navy, because in the case of the Army one man expends the money and another holds the purse; not a regulation can be made by the Commander in Chief without the consent of the Finance Minister, in the person of the Secretary at War; and that is the secret of much of the economy in the military department, which had been practised for a great number of years. If, therefore, you combine the two things, you do away with that whole system of economical control in the management of the Army which has done so much to enhance its efficiency. Again, the right hon. Baronet says you ought not to have two Cabinet Ministers in the War Department. But why does he assume we are going to constitute departments which must be held by two Cabinet Ministers? The right hon. Baronet objects to the office of Secretary at War, and says it is useless, and if it is useless, why not abolish it? I think I have satisfied the Committee that, financially speaking, the existence of the office of Secretary at War is vital to the cause of economy and efficiency in the administration of the Army. The Secretary at War now exercises a very wholesome check over the expenditure of the Army; and I am clearly of opinion that the control which the Secretary at War has over the expenditure of the Army, under the Commander in Chief, ought to be extended to the expenditure which is now under the Master General of the Ordnance, as the Commander in Chief of the Artillery and Engineers. I do not see why the whole expenditure for the *matériel* and *personnel* of the Ordnance should not be placed under the control of the Secretary at War. With regard to the office of Secretary at War losing, as the right hon. Baronet complains, some of its importance, that is a subject upon which I will not trouble the Committee, but I think that some additional duties might be imposed upon him, such as moving the Commissariat Estimates, and that the whole of the War Estimates should, as nearly as possible, be laid before the House as a whole. I should be inclined to say, therefore, retain the office of Secretary at War as a finance officer, while those duties of a half military character which were attached to the office might be transferred from it, such as that relating to the pensioners; but I must still stand out that if you want to continue that which has so much contributed to causing economy in the administration of the Army, and to promote that steadiness by which a financial check has been brought to bear upon the whole of the expenditure, you must maintain the office of Secretary at War as a separate office. With regard to the question, as to whether the Secretary of State for War and Secretary at War should be Cabinet Ministers, that is a point upon which I shall not enter, and, with regard to the general question, I can only say that I have looked at it and considered it with perfect impartiality. So far from attempting to prevent changes being made in the present system, I have urged the necessity of change, and I have in Parliament spoken very freely as to what were the evils to be remedied. I am sorry that the right hon. Baronet objects that there should be two Cabinet Ministers connected with the War Department; but it appeared to me, and I hope that I shall not be thought guilty of self-sufficiency, that, having been for a long time Secretary at War, and having, during that time, received most cordial support from every one connected with the Army, that having bestowed a very considerable amount of attention on this subject, and from my knowledge of the details of the business of the War Office, I thought that my services might be of great value to assist not only in promoting the efficiency of the Army, but also in assisting the Government in arranging in a final and satisfactory manner the various duties of the War Department. I thought, also, that I should not be justified in resigning an office because it had become of, perhaps, a little less importance, and, therefore, I undertook to carry on the duties of Secretary at War, and, if the right hon. Gentleman disapproves of my doing so, I regret it; but I can only say that the assistance which I may have given to the Government shall continue to be given, and I hope that the result will be, that we shall shortly be able to lay upon the table of the House a detailed plan of the entire change. I trust that this House will not deprive the Government of that assistance and confidence which are necessary to enable them to bring this change to a good issue, by giving their utmost attention to the subject, and by taking every step to arrive at a satisfactory conclusion. Give us time—that is only fair—and I am satisfied that we can introduce into the military department changes which will promote the efficiency of the service, and which will enable the Government and people to look with perfect confidence, as to efficiency in every respect, upon those forces upon whom now the honour and safety of this country depend.

COLONEL DUNNE said, he believed that the explanations given by the noble Lord the Member for London and the right hon. Gentleman the Secretary at War were not calculated to give satisfaction either to that House or to the country. It would appear from those explanations that the only tangible change which had been effected in the case was the transfer of the Commissariat from the Treasury to the new War Minister. Now, he entirely approved of that measure, and believed that it would greatly tend to increase the efficiency of the Army. But that surely was not the only reform they had a right to expect under the new system. The right hon. Gentleman the Secretary at War had also shadowed forth a separation of the civil and military departments of the Ordnance. He (Col. Dunne) believed, however, that those two departments were so closely interwoven that it would be very difficult, and even detrimental, to separate them. He entirely approved of the proposal that the embodiment of the militia should remain under the control of the Secretary of State for the Home Department.

MR. G. BUTT said, he had a few words to say upon the subject, although it was one with which he was not much acquainted. He was surprised at the statement which the noble Lord the President of the Council and the right hon. Secretary at War had made, because the Committee had a right to expect that when a new office like that of Minister of War was created, the duties of the office would be clearly defined; but neither the noble Lord nor the right hon. Gentleman had let them into that secret. The noble Lord says—"Appoint the new officer, and from time to time he will consider what duties it will be convenient for him to undertake;" while the right hon. the Secretary at War said—"We cannot tell what duties are to be assigned to this new officer, but give us time and we will find him something to do, although I may state at once that there will be no consolidation of duties yet." Now that was the sum and substance of the two speeches, which contained no explanation whatever that could be satisfactory, either to the Committee or the country. What he wanted to know was, the nature of the duties which this new Minister would have to perform for the remuneration he would receive and the honour of a seat in the Cabinet. The noble Lord in his ingenious speech was elaborate about the clerks, but he said nothing about the duties of the Minister at War, which was just what the country required to know, but which neither the noble Lord nor the right hon. Gentleman had thought fit to explain, or even to shadow forth. It was only natural to suppose that there would have been a consolidation of the business of our War Department in the newly-created War Secretary. But no such consolidation had, it appeared, taken place, and they had not even been led to think that any such consolidation was contemplated by the Government. It was clear that no attention had been paid in that case to the recommendations of the Committee over which the noble Lord the Member for Totness (Lord Seymour) had presided. What was wanted was, not merely that the supervision of the Commissariat should be transferred to the new Minister, but that he should be intrusted with the superintendence of all our preparations for the conduct of the war.

Vote *agreed to.*

The House resumed.

BRIBERY, &c., BILL.

Order for Committee read; House in Committee.

Clauses 22 to 25 *agreed to.*

Clause 26 (No person to pay Expenses of Elections except to Candidate or Election Officer).

MR. H. T. LIDDELL said, this was a clause that he had opposed in the Select Committee, which was very nearly divided in opinion as to its propriety, and he also intended to oppose it on the present occasion. The restrictions and regulations with regard to election expenses, with which, by this Bill, candidates were to be surrounded, were justifiable up to a certain length; but he called upon the Committee to pause before carrying that species of legislation too far. Suppose that an independent man promised to give his support to a candidate, and undertook to get the electors together in a certain district, and in the course of the proceedings gave some refreshment to them, he would be liable to the penalty under this clause if he did not make a return of all that he had expended to the election officer. It was ridiculous jealousy on the part of the Legislature to say that there was any harm in such a thing; he had done it himself, and would do it again. He did not wish to shield any man who had been guilty of bribery or improper conduct, but some respect ought to be shown to that independence and freedom which were dear to all Englishmen. There was no harm in public dinners at which the general political feeling of a county was expressed, all who were present paying for their own tickets; but a man would not be able to make a present of tickets to his friends without being guilty of a misdemeanor according to this clause, unless he sent in the Bill to the election officer. But would this clause take away all opportunities for electioneering demonstrations? No. They would have flower-shows or cattle-shows, and the proceedings would terminate with a dinner, at which the health of the favourite candidate would be drunk. He thought that, although the Bill itself would be a great advantage, this clause was of an arbitrary and tyrannical nature, and he should therefore move that it be expunged.

Lord JOHN RUSSELL said, there were various cases to which it was very difficult to administer an exact measure of justice. A candidate might be a person who had no money to spare, but was supported by some great proprietor, who would put down 5,000*l.*, or that sum might be put down by his friends in the county in order to carry his election, and in that case none of the clauses which applied to the candidate would have any effect with regard to the expenditure of that money, and they would lose all the advantages which were derived from the appointment of an election officer. But, while he quite agreed in the necessity of inserting a clause of this sort, he did not see the necessity for imposing so severe a penalty; and in a case in which the expenditure had not corrupted any elector the penalty might not be enforced. He should therefore propose that the word "misdemeanor" be omitted, and that a person offending in the manner named in the clause should only be subject to a 50*l.* penalty.

Mr. H. T. Liddell

If this were found insufficient, Parliament might hereafter increase the severity of the punishment.

Mr. G. BUTT said, he would recommend his hon. Friend (Mr. Liddell) to accept the clause with the Amendment proposed by the noble Lord. If the clause were altogether expunged, all the preceding provisions with respect to the appointment of an election agent would become perfectly nugatory.

Mr. GROGAN said, that cases of very great hardship might occur in Ireland under the operation of that portion of the Bill. Landed proprietors in that country frequently found it necessary to give shelter to their tenants at the approach of an election, in order that those tenants might not be violently carried away, and deprived of the power of recording their votes. It would manifestly be most unreasonable and unjust to render landlords, who had thus protected their tenants, liable to the penalties of the law.

Lord ROBERT GROSVENOR said, that the object of this Bill was to obtain publicity for election expenses, and he could not see how that end was to be attained without this clause, but at the same time he felt that it would be better so to word the clause as to admit of the fine being mitigated in some cases. Let the wording of it run that the fine should not exceed 50*l.*

Mr. NEWDEGATE said, he would put a case which, in his opinion, would show how unjust might be the operation of that portion of the Bill. A number of electors might resolve on supporting some favourite candidate without entailing on him any expense; and for that purpose they might treat one another, or pay one another's coaching expenses. It was clear that in such a case those persons ought not to be made liable to the penalties of the law. He believed that the Bill as it then stood would form one of the greatest possible restrictions on the freedom of election,

Mr. W. J. FOX said, he suspected that what the hon. Member for North Warwickshire (Mr. Newdegate) meant was this—certain rich electors conveyed certain poor electors to the poll free of expense, besides paying for their refreshment, and that appeared to him to be nothing more nor less than treating for a corrupt purpose. Unless this were put down, the interference of that House would be of little use, and they would be quite as much in the dark as ever as to the nature of the expenses. He thought the penalty ought to be considerably increased, in a case where thousands of pounds might be spent.

SIR FITZROY KELLY said, he should support the clause. If any expenses whatever were allowed to be paid, except through the election officer, they opened the door to the greatest bribery. A person might spend 2,000*l.* or 3,000*l.* in that way if he chose, if he were allowed to spend 2*l.* or 3*l.* in bringing up voters. It would be unwise to fetter the exertions of independent electors; but the clause provided for this by allowing any person to pay any amount he chose towards the expenses of the election into the hands of the election officer. A man might wish to bring up fifty or 100 of his own tenantry as voters; and he had only to obtain the authority of the election officer to allow him to do so. It was true an emergency might arise where a person wished to bring up voters on the spur of the moment, to save the election, and had not time to apply to the election officer; and he would suggest an alteration in the clause to meet this case.

MR. W. WILLIAMS regretted that the noble Lord had consented to withdraw the word misdemeanor. In these cases parties did not mind about money; he thought the only thing to deter them from bribing was the punishment of misdemeanor. The alteration would render the Bill much less effective.

MR. HILDYARD said, he believed that any person subscribing money towards election expenses would be liable to indictment for misdemeanor under this Bill. They were passing clause after clause without considering their effect, and adding new traps and pitfalls to those already existing.

THE ATTORNEY GENERAL said, he thought the alarm of the last speaker was unnecessary. Hitherto the provisions against bribery had proved wholly ineffectual; now it was proposed that no money should be spent except for lawful purposes, and to secure that the money was only to be paid through an appointed officer. Parties might still subscribe towards the election expenses of candidates, but it must be done through the officer; otherwise the Act would be wholly inoperative. Each man might pay his own expenses at the poll; and if a number combined from motives of economy, such a proceeding would not come within the clause at all. The omission of the punishment of misdemeanor was complained of, but the penalties of themselves he considered were sufficiently high.

SIR JOHN PAKINGTON said, he feared that the clause would be difficult to carry out; but without some such provision they might as well leave the law in its present state. Even with this enactment he doubted whether bribery would be effectually prevented.

MR. NEWDEGATE said, he would ask the hon. and learned Attorney General whether the fact of voters clubbing their money together would not compel them to give an account of their expenses to the election officer? He thought the clause would destroy the independent action of the constituencies.

THE ATTORNEY GENERAL said, every man was entitled to pay his own expenses, and the mere fact of his joining with another voter in the payment of their common expenses would not bring him within the meaning of the clause. The sole object of the clause was to prevent his expenses being paid by another person without the knowledge or sanction of the election officer.

MR. AGLIONBY said, he thought that this was one of the most valuable clauses in the Bill. It was necessary for the protection of the honest voter, would enable them to secure purity of election, and was of still more importance as a protection to the candidate himself.

In reply to a question from Lord ROBERT GROSVENOR,

SIR FITZROY KELLY said, he would undertake to propose a clause to this effect —that if, upon the trial of an action to recover these penalties, it should appear to the Judge that the payments had been made without any illegal intention, it should be competent for him to reduce the penalties to any sum not less than 40*s.*

The Amendment proposed by Lord J. RUSSELL was then *agreed to.*

MR. H. T. LIDDELL said, he still objected to the clause, as interfering with the freedom of election. They had attempted to do a great deal by the present Bill, and he warned them against trying to do more than they were able to accomplish.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 115; Noes 26: Majority 89.

Clause 27 (Election Officer to render an Account of all Moneys paid by him or by his authority on account of Election Expenses).

Mr. HENLEY said, he would suggest that, as the candidate by a former clause was required to return an account of all claims made on him, the election officer should also make a return of the sums so claimed.

Mr. WALPOLE said, the claimants by this clause were directed to send in to the election officer all charges and claims which he or they had against the candidates, and the election officer was then to make out a return or account of all such claims and charges as should have been paid, or should have been disallowed and not paid. He thought it would be desirable to make the clause more distinct.

Mr. HENLEY said, he did not think the clause would properly bear such a construction. What he wanted was, that an account of what had been claimed as well as paid should be returned.

Sir FITZROY KELLY said, if his right hon. Friend wished, the clause might be amended by inserting the words "of all sums claimed, although the same shall not be allowed or paid."

Mr. VINCENT SCULLY said, he would suggest that the election officer should be required to account for the money belonging to the candidate which he had not disbursed, as well as the money he had paid away. If, as the clause stood, the candidate paid the election officer 1,000*l.* towards the expenses of the election, and that he paid away of that 200*l.* or 300*l.* as election expenses, he was not required to give any account of the balance—that was to be a matter of private arrangement between the candidate and himself; and he thought, to prevent any collusion or fraud between the parties, the clause should contain a proviso, directing the election officer to give an account of how he had disposed of the balance.

Sir FITZROY KELLY said, he had no objection to the Amendment suggested.

Mr. WALPOLE said, all the sums were to be paid by checks, and might easily be traced, but there was no objection to the introduction of the words suggested by the hon. Member.

Mr. ELLIOT said, among the sums which were to be returned were those paid into court, or for which judgment had been obtained. If they had to wait until judgment were given on some claims, he was afraid delay might take place, and as there was to be a supplementary account, he would suggest that such sums should be included in it.

Mr. WALPOLE said, that all such sums as were paid, or for which judgment was recorded within three months, in which the return was to be made, might be included in the general account; but those obtained after the lapse of three months might be placed in the supplementary account.

Clause, as amended, *agreed to.*

Clause 28 (General Account to be kept at some convenient place for the inspection of Voters).

Mr. HENLEY suggested that, as this clause seemed to imply the necessity of keeping an office for the purpose of depositing the accounts and returns, and as the next clause provided for the publication of such accounts in the newspapers, the object, which was publicity, might be obtained by the advertisement of the general account alone.

Sir FITZROY KELLY said, that in some cases a considerable length of time might elapse before the accounts could be completed, and it might be necessary, for the purposes of justice, that the accounts should be inspected long before they were published. It might be advisable, therefore, that the accounts should remain in custody where they could be readily inspected, before they were deposited with the clerks of the peace or town clerks.

Mr. HENLEY said, he thought that the officer who was responsible for the custody of the accounts should be required to take care that persons who were permitted to take copies did not play tricks with the original documents; for men with sharp knives and free consciences might easily remove leaf after leaf, and so mutilate the accounts as to render them valueless.

Mr. G. BUTT said, he could refer to a case which had occurred under the Municipal Corporations Act, where persons who were entitled to inspect the polling papers at a municipal election, such documents being kept in the custody of the town clerk, had abstracted half the papers, and consequently the election became void. He thought that measures ought to be taken to prevent any equally improper proceedings under this clause.

Mr. M'CANN said, he would suggest that three copies of the accounts should be provided, and that one of them should be kept in safe custody for reference, in case of necessity.

Clause *agreed to.*

Clause 29 (Election officer to publish Abstract of such Accounts).

LORD ROBERT GROSVENOR begged to ask, by whom the expenses of this advertising was to be borne? He put the question, because, in his own case, he found the expense of advertising at elections for the county he had the honour to represent (Middlesex) extremely heavy.

SIR FITZROY KELLY said, he feared he could not flatter the noble Lord with the hope that the expense would be borne by any one but the candidates. This was, he considered, a necessary part of the expenses of an election.

LORD SEYMOUR said, the clause provided that abstracts of the accounts should be inserted in two newspapers, published or circulating in the place where the election was held; but in many parts of the country there was not a single newspaper published, and he wished to know what was to be done in such cases?

SIR FITZROY KELLY said, he had not prepared this and several other clauses in the Bill, but he thought there could scarcely be any place in the country where newspapers of some kind or another did not circulate.

MR. GROGAN said, that the advertisements might be inserted in the *Times*, but the charge for such insertion would cause considerable expense to candidates.

MR. HILDYARD said, he could not conceive what reason there was for throwing upon candidates this expense for advertising. In the neighbourhood in which he resided (Dorsetshire) there were three places returning Members to that house—Lyme, Bridport, and Honiton—in none of which was a newspaper published. It was said that advertisements might be inserted in the *Times* newspaper. Why, they might even be inserted in a newspaper published in the Orkneys, and a great deal wiser people would be.

LORD SEYMOUR said, there were no penalties inflicted for non-publication of these accounts. The election officer was merely directed to do so; but, supposing that he chose to have nothing to do with such nonsense, there was no mode of compelling him to act or of punishing him for neglect. The clause, however, was a specimen of the Bill:—a set of learned Gentlemen got together upstairs to make up a Bill, and this was the good-for-nothing stuff which they brought down.

SIR FITZROY KELLY could assure the noble Lord that the clause which seemed to excite so much of his disapprobation had not emanated from him, nor from any one else who came under the denomination of "learned Gentlemen." It was originally proposed by the hon. Member for Manchester (Mr. Bright), and it was inserted in the Bill with the entire approval of the Committee upstairs. Its object, he believed, was to give publicity to the election accounts, and more particularly to the names of the persons who made claims on the candidates. With regard to the number of advertisements, he thought one would very likely be sufficient, and he would therefore propose to substitute for "two newspapers," the words "some newspaper," and also to meet another objection which had been made—to add the words, "published or circulating within the place or county."

Amendment *agreed to.*

MR. HILDYARD said, the object of the clause was to give publicity to the delinquents who made claims on the candidates; but by this clause the claims which were allowed were to be published, but not those which were disallowed. Such an oversight might have been excused in the hon. Member for Manchester, but his hon. and learned Friend ought to have known better. Although intending to take the sense of the Committee on the whole clause, he would still move an Amendment by inserting the words, "or disallowed," and, "if disallowed, by whom claimed."

SIR FITZROY KELLY said, the word "account" in this and in the two preceding clauses would include the publication of the charges disallowed. Still, if this interpretation was objected to by his hon. and learned Friend, he would not oppose the introduction of words to the effect he desired.

MR. HILDYARD said, he totally differed from this interpretation of the three clauses. The words in the clause were, "admitted to be correct;" and was it possible that that would include the claims which had been disallowed?

MR. BRIGHT said, he must advise the Committee to view the Amendments of the hon. and learned Member for Whitehaven with suspicion. The question whether the accounts to be published should include Bills, both paid and unpaid, was discussed in the Committee, and it was understood that the object was to give an honest account of the expenses of the election, and not what persons might have attempted to cajole out of the candidate. It was the actual expenditure of each candidate, and that being done, all the check that was desired was obtained. No good would be derived by putting into the papers a string of bills which never could have been paid, and were merely fabulous and dishonest. The clause as it stood was, he thought, sufficient.

Sir JOHN WALSH said, the hon. and learned Member for East Suffolk and the hon. Member for Manchester were entirely at issue upon the meaning of the clause. He (Sir J. Walsh) thought there was a great object to be attained by the words proposed—namely, the stoppage of those fraudulent claims so frequently made for the purposes of intimidation at elections.

Mr. BENTINCK supported the Amendment. Though great good, however, might be attained by publication, a great evil would be created also. The principal objects of the Bill would, in his opinion, be attained by making the accounts accessible for three months after the election; after that they should be closed, and with them the chance of vexatious litigation. He should wish to move the substitution of the words "three months" instead of "one year."

Mr. WALPOLE said, he thought the Amendment would create the evil it was intended to meet. The candidate would lie under the imputation of not paying the claims against him in the mind of the public. He was of opinion that the publication of the claims allowed would be sufficient, without the publication of those which had been rejected.

Mr. HILDYARD said, he could not accede to the proposition of the right hon. Gentleman. He should, therefore, persevere in his Amendment.

Mr. MASSEY said, he thought the reasons adduced were conclusive against the retention of the clause in the Bill. Every object of publicity was attained by the 28th clause; and nothing but scandal could arise from the clause in question.

The ATTORNEY GENERAL said, it struck him that the clause was open to great doubt. With reference to the scandal of publishing disallowed claims, he would remind the Committee that by the 28th clause any elector might go to the election officer, and obtain a copy of all the claims allowed and disallowed, and publish them if he chose to take on himself the responsibility. He thought the publication of the accounts by the election officer was one of the most important features of the Bill. He did not, however, see the necessity of publishing disallowed claims; but if the Committee thought this ought to be done, he had no objection to the proposition.

Mr. VERNON SMITH said, the object of the clause was to invoke public opinion to shame persons from making improper claims. He had no doubt the clause would be beneficial, and he trusted that hon. Gentlemen would not be so carried away by ridicule as to throw out one of the most valuable portions of the Bill.

Lord ROBERT GROSVENOR said, he did not see the necessity of the Amendment, as any elector could get a copy of the claims on application. He rose, however, to call attention to the fact that it was not stated in the clause who was to pay the expenses of publication. As the object was to reduce election expenses, he thought it would be better to pay them out of the borough or county rates, and he should move the insertion of words to that effect.

Mr. VINCENT SCULLY thought it would be advisable to have all claims published. He objected to compulsory publication in newspapers, as the charge for such advertisements would be excessive. The publication by printed placards, which would be inexpensive, might answer all the purpose.

Mr. HILDYARD said, he had reconsidered the Amendment, and having had the assistance of the hon. and learned Member for East Suffolk, would state the exact words he wished to have inserted in the clause. He proposed that the words, "all claims and objected to," be inserted, and at the end the words, "or by whom the same have been claimed respectively."

Lord JOHN RUSSELL said, it certainly was an omission that no provision was made for paying the expense of publishing the accounts. He objected to the proposition of paying the expenses out of the rates, as such payment involved an important principle. If the payment was to be so made, it ought to form the subject of a separate clause, or even a separate Bill, and not be introduced at the end of a clause. He considered that the matter might be made clear, as far as the payment by the candidate was concerned, by few additional words.

Mr. DEEDES said, he was at a loss to understand the principle of putting the expenses on the borough or county rate.

Mr. BRIGHT said, he believed from his experience of newspaper proprietors there would be great competition to get hold of these accounts and to publish them.

They would prove an interesting item of intelligence, and he should be quite content to have no provision with regard to payment for publication. It would be greatly advantageous to the public as well as to the candidates that publication should take place; the public would be great gainers by the publication; and he was quite satisfied to allow the question of publicity to settle itself.

MR. HEADLAM said, he agreed in thinking the newspapers would compete for the publication, but that argument was conclusive against the clause, as a preceding clause provided for one authentic copy being exhibited, from which the newspapers would make publication.

MR. HILDYARD said, it was quite clear the Committee would be guilty of a great constitutional mistake if it cast any burden on the particular body or district which returned Members. The constitutional law was that they were Members, not for the benefit of this or that place, but for the benefit of the nation. If the expense was to be borne by the public, it must come out of the public purse, for whose benefit they sat there, if they sat there for the benefit of anybody, which people out of doors doubted. To throw any expense on a particular place would be recognising that the Member for that place was bound to look exclusively to their interests.

Amendment *withdrawn.*

On the Question that the clause stand part of the Bill,

LORD JOHN RUSSELL said, he agreed with his hon. and learned Friend the Attorney General that this was one of the most valuable clauses in the Bill, and he hoped that the Committee would adopt it. It was possible that there might be a competition amongst newspapers for the publication of the accounts; but would any one say that there should not be an authorised publication, or they might not have the accounts correctly given. If the publication was left entirely to the newspapers, one party would publish one statement, and the other party another. For those considerations, he believed the clause would be of great benefit, and he should support it.

MR. HILDYARD said, the Committee must understand that the printing of these accounts would be attended with very heavy expense. He knew from his experience in revising the list of voters of a division of Yorkshire, in which there were thirty-nine polling places, and he had no doubt every county Member knew so too, that there were an immense number of charges for lists that in ninety-nine cases out of a hundred were never looked at, and he believed that the expenditure would be a pure waste of money.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 178; Noes 94: Majority 84.

Clause *agreed to*, as was also Clause 30.

Clause 31 (All Moneys and Documents to be handed over to the Election Officer).

MR. BENTINCK said, he must complain that no precaution seemed to be taken as to the character of the person who was to be appointed as election officer. There was no restriction whatever. Any person in the country, let his character be what it might, was eligible for appointment. Now, supposing a person holding this situation absconded with whatever money or documents happened to be in his possession, what means were there of recovering such property?

SIR FITZROY KELLY said, that if the election officer committed such an offence, he would incur the ordinary penalties of misdemeanor, and might be proceeded against. He would remind the Committee, however, that, as originally framed, this measure proposed to appoint a barrister to this office. If the Committee had agreed to that proposal, they would have had in the character and position of such a person an ample security that he was a fit and proper person to be intrusted with the duties of the office. But he found that as soon as a proposal was made that the appointment should be conferred on a barrister, it was met by almost universal disapprobation.

MR. BENTINCK must say that he did not see much use in indicting a man who had gone to America, or who was not forthcoming. But another difficulty presented itself to him. A man appointed as election officer, and to whom documents and money were handed over, might die; it might be very necessary that those documents, and that that money should be in the possession of the candidate in a short time, and yet it might be competent for the heirs of this man to retain possession.

MR. J. BALL suggested there should be a power of appeal against the nomination of an improper person.

MR. HILDYARD said, he thought that security should be given that the person who was appointed should not be a person who was capable of absconding, and thereby preventing an investigation into the practices that had taken place.

Clause, as amended, *agreed to.*

Clause 32 (Candidate to declare to Election Officer the name of his Agent or Agents).

LORD SEYMOUR said, the clause required the candidate to give to the election officer in writing the names of his agents. He wished, however, some definition of the word "agent" to be given. Did it include every one who in any way assisted the candidate? It was also stated that current expenses might be paid "by the authority of the election officer;" but the election officer could not be present at all times when payment of money might be necessary. Then, how was his authority to be obtained?

SIR FITZROY KELLY said, it was proposed to omit the words "by the authority of the election officer." As to the agents who were appointed, the candidate would give in their names to the election officer at the time the appointment took place, and he did not see that it would be necessary to define them more particularly.

MR. LABOUCHERE said, he was afraid that the difficulties stated by the noble Lord the Member for Totness had not been met. If they asked a candidate to name his agents in writing, the candidate was surely entitled to know exactly what was meant by the term. What was the definition of the word "agent?" Did it include persons who might be employed for general purposes, or merely those who were intrusted with the payment of money?

SIR FITZROY KELLY said, the word "agent" as employed in the Bill, meant an agent for the payment of money, and not a person who might be employed for general purposes. It meant one who would manage and direct the expenses of the election.

MR. BECKETT DENISON said, he thought that if the term "agent" meant only one who paid money, it should be so stated in the Bill. As it now stood, it might include every person who did anything whatever for a candidate. How, in such a case, was the noble Lord to state the names of all his agents in the City of London? It would be impossible to do so.

MR. HENLEY said, that it was rather hard to ask the Committee to pass a clause directing a candidate to make a declaration, when they did not know what he was to declare. He thought that they should have some more precise definition of the word "agent" than was contained in the clause. He did not see how this clause could be carried out in the case—not a very unfrequent one—in which a person was nominated without his knowledge. He would then be a "candidate," and as such would, by this clause, be compelled to inform the election officer of the name of his agent, although in fact he had none, and knew nothing about the matter.

MR. VINCENT SCULLY said, he would suggest that the words "if any" should be inserted after the word "agent." He did this in order to meet the case of a candidate not having an agent.

MR. GRANVILLE VERNON said, that some provision should be made in this clause to meet the case, in which, in the absence of a candidate, or of his being put up without his consent, some party might be made responsible; he would suggest that such a responsibility be borne by the proposer and seconder of a candidate?

THE ATTORNEY GENERAL said, he thought that some provision should be inserted to enable some one, in the absence of a candidate, to do what he might and ought to do if present, otherwise the current expenses could not be paid.

SIR FITZROY KELLY said, he also thought that some provision was requisite to meet the case of a candidate nominated without his knowledge. It would, however, be impossible to insert words with that object in the present clause. He would undertake to frame a clause which, if assented to, might be inserted on bringing up the report.

LORD ADOLPHUS VANE TEMPEST said, he wished to move the following Amendment—

Amendment proposed, in page 12, line 8, at the end of the Clause, to add the words—

"and no person being a candidate at any Election, or having been elected, who shall have made the declaration required by this Act, and shall in all things have well and truly conformed thereto, and shall not have been guilty of any contravention of this Act, shall be liable civilly or criminally, nor shall his Election be avoided by reason of any illegal act done by any other person than his agent or agents named and notified to the Election officer, according to the provisions of this Act, unless such illegal act shall be proved to have been done by or with his authority or sanction: Provided always, That nothing herein contained shall be deemed to affect the jurisdiction of a Select Committee of the House of Commons over any Election which shall be shown to have been obtained by bribery or any other illegal act or acts or practices."

THE ATTORNEY GENERAL said, he must oppose the Amendment, the effect of which would be to make the law less instead of more stringent than it was at present, and to introduce an innovation into the law and practice of Parliament. It had hitherto been held that a candidate was responsible in a Parliamentary, although not in a criminal, sense, for the acts of his agent; and if that law were altered a wide door would be opened to bribery and corruption. He was convinced that the law with regard to questions of fact as to the existence of agency was at present well administered by Parliamentary Committees. A candidate who wished to commit bribery would never name an agent for that purpose, and the great check upon bribery now was, that the commission of that offence by a person between whom and the candidate a Committee believed the relation of agency to have been established, was sufficient to unseat a Member. If direct authority from the Member was required to be shown before he could be unseated for the acts of an agent, there was scarcely an instance in which the law might not be evaded. He did not believe that, under the present law, many hon. Members unduly lost their seats; on the contrary, where the hon. Member lost, a great many retained their seats unduly, as, notwithstanding bribery might be clearly made out, it was always very difficult to prove agency.

MR. BENTINCK said, before the House passed the Bill now before it, he thought that they were bound to attempt to apply some remedy to the very anomalous state of the law upon this subject of agency. At present the case of agency rested solely upon the caprice of Election Committees. He did not wish to make any invidious remarks, but he could quote cases in which the most unaccountable decisions had been come to in respect to agency. He knew, for instance, of one case, where a gentleman was unseated solely upon the ground that a man was seen in the same room with him who had been proved to have paid money as a bribe. There was not a tittle of other evidence against the candidate. Now that, he (Mr. Bentinck) submitted, was an anomalous and absurd state for the question to be left in. Under such circumstances, he thought that the Committee were bound, as a matter of justice, to meet the difficulty suggested by the provision of his noble Friend. If the Committee were not prepared to adopt the Amendment of his noble Friend, he hoped that some other clause would be proposed to deal with the difficulty.

MR. WALPOLE said, he doubted whether the hon. and learned Attorney General was right in opposing this clause. The proviso proposed by his noble Friend (Lord A. Vane Tempest) did not say that the party guilty of the illegal act shall not be called upon to answer for his offence, but that before the candidate shall be made responsible for this act of the alleged agent, it must be proved that he had given authority for the act, or that he had sanctioned it after it had been done. He (Mr. Walpole) did not think that the proposed Amendment was the introduction of any new law, but the revival of an old law which had been permitted to fall into a state of ambiguity.

MR. HEADLAM said, he thought that the Amendment would open the door for much fraud; and candidates would indirectly obtain all the advantages of bribery and corruption, without incurring the responsibility.

MR. AGLIONBY also opposed the clause, but expressed a wish that some words could be introduced into the Act of Parliament which would more clearly define the meaning of agency.

SIR FITZROY KELLY said, he should support the Amendment, on the ground that the seat of a successful candidate ought not to be avoided by the act of a person who might be a complete stranger to him, or, perhaps, even an enemy in disguise.

LORD JOHN RUSSELL said, he must oppose the Amendment, since there would be great difficulty in proving bribery, if it were to depend upon the admission that direct orders to bribe had been given to the agent or attorney by the candidate.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 111; Noes 143: Majority 32.

Clause, as amended, *agreed to*.

House resumed; Committee report progress.

POOR LAW COMMISSION CONTINUANCE (IRELAND) BILL.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

COLONEL DUNNE said, he had given notice to move the insertion of a clause limiting the Bill to two years instead of five, but if he received an assurance from the Government that a Committee would be appointed to inquire into the whole matter, he would not press his Motion. What he complained of was the large amount expended in the collection of the poor rate.

Mr. J. BALL said, that so far from there being a large amount expended, he had found that in those unions where the number relieved in a year was under 1,000, and in which there was the largest proportionate expense, the whole charge for officers of every kind, including clerks and collectors, did not exceed five farthings in the pound.

Mr. I. BUTT said, this was a question of centralisation, and he appealed to the House whether it was fair to deprive them of all opportunity of discussion; he should move the adjournment of the debate.

Sir JOHN YOUNG said, he thought there was no necessity for that course, this Bill having been amply discussed in Committee. The attention of the Government would be directed to this subject during the recess, and after the recess they would be ready to assent to the appointment of a Committee to inquire into the powers of the Poor Law Commission. The hon. and gallant Member (Colonel Dunne) seemed, however, to desire an investigation into the whole operation of the Poor Law in Ireland; but such an inquiry, which had already taken place to a considerable extent, the Government were certainly not prepared to grant. He (Sir J. Young) believed that the vast majority of the people of Ireland were satisfied with the general principle and operation of the Poor Law.

Mr. MACARTNEY said, that during the last six or seven years numerous petitions had been presented to Parliament, complaining of the working of the Irish Poor Law, and especially of what were called the establishment charges.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 36; Noes 83: Majority 47.

Question again proposed:—Whereupon Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 21; Noes 97: Majority 76.

Main Question put, and *agreed to.*

Bill read 3°.

Amendment proposed, in page 2, line 14, to leave out the words "one thousand eight hundred and fifty-nine," and insert the words "one thousand eight hundred and fifty-six,"—instead thereof.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided:*—Ayes 82; Noes 37: Majority 45.

Bill *passed.*

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, July 18, 1854.

Minutes.] Public Bills.—1ª Poor Law Commission Continuance (Ireland); Joint Stock Banks (Scotland); Registration of Bills of Sale (Ireland); Criminal Justice (Metropolis).

2ª Court of Chancery; Merchant Shipping Acts Repeal; Savings Banks; General Board of Health; Towns Improvement (Ireland); Acknowledgment of Deeds by Married Women; Marriages (Mexico).

3ª Ecclesiastical Courts; Commons Inclosure (No. 2).

ECCLESIASTICAL COURTS BILL.

Lord BROUGHAM, in moving the third reading of this Bill, said, that its object was to extend to the Ecclesiastical Courts provisions of the greatest importance, and placing them in a position, with respect to the reception of evidence, similar to that of other courts. By an Act passed in the year 1840, the Court of Admiralty obtained power to examine witnesses and take evidence *vivâ voce.* Previous to that time the practice in that Court, like that of the Court of Chancery, was to take evidence by written deposition, involving, to the frustration of justice, this absurdity, that one person saw the witness, heard him give his evidence, and observed his demeanour under examination, while another person had to decide on the value of his testimony, and to give judgment upon it. The procedure of the Ecclesiastical Courts and Doctors' Commons was superior in one material respect to that of the Court of Chancery, for, whereas, in the Court of Chancery, each question was put and answered in succession, one after the other, the person who framed the second question being in perfect ignorance of what the answer might be to the first—a most absurd and clumsy course of proceeding—in the Admiralty Court, on the other hand, the examiner had the power of taking the allegation and plea, and, by making that a kind of guide to him in the conduct of the examination of the witness, could put such questions as were likely to elicit satisfactory answers on points contained in the allegation. This latter practice, although better than that which used to be followed in the Court of

Chancery, was still extremely imperfect as compared with *vivâ voce* evidence. But by the Act of 1840 the Admiralty Court was armed with the power of altogether dispensing with written depositions, and of calling witnesses before it and examining them, as at *Nisi Prius*, by counsel on both sides, and then of deciding on the weight due to their testimony. By this change one of the most valuable and important changes ever effected had been introduced; and it was the object of this Bill to extend the same principle to all the Ecclesiastical Courts. He had made an inquiry into the working of the Act of 1840 in the Admiralty Courts. Now, one great difficulty in extending parole evidence to the Court of Chancery had always been, that, instead of there being an affirmative on the one side and a negative on the other (as at criminal law), upon which issue was joined, there were a vast number of allegations and statements of fact in the Bill which were denied in the answer, and on the whole matter, as it were, issue was joined. Now a question of salvage was just a case of that description. The question was, the merits of the salvor, and how much he was entitled to. But that involved the consideration of a vast variety of circumstances and particulars, such as the state of the weather, the state of the vessel, the conduct of the party salving, and that of the party salved. All these circumstances had to be brought before the court, and evidence had to be taken upon them to enable the Judge to make up his mind as to the merits of the salvor, and the compensation due to him. Now, since 1840, questions of that kind had been repeatedly brought before the Court of Admiralty, and been dealt with in the easiest manner. Sometimes, after the witnesses had been examined, cross-examined, and re-examined, the Judge at once decided the case upon their testimony, and upon any documentary evidence which might be adduced. At other times he postponed his judgment for a day or two; but even then he had an authentic record of the questions put to the witnesses and their answers, and his own memoranda of anything that struck him at the time as to their demeanour, to refer to before giving judgment. The Bill for which he now asked for a third reading would give to the Ecclesiastical Courts the benefit of this great and important change. Having referred to the mode of proceeding in the Court of Chancery, he would remind their Lordships of another course which was sometimes adopted, namely, the examination of witnesses before a Commissioner in the presence of the parties. This system, though an improvement upon the examination by written interrogatory, had not been so successful as the *vivâ voce* examination which had been adopted in the Court of Admiralty. It gave rise to endless expense and interminable delay, and was, besides, open to the great objection that the Judge did not see the witnesses, but only read the depositions. He had recently mentioned to their Lordships a case of this nature, of which he had since ascertained further particulars. In that case a learned friend of his was engaged for eight or ten days in examining witnesses, at a distance of 200 miles from the court. At the end of that time the expense incurred amounted to 400*l.*, and the depositions covered 400 folios. His learned friend had informed him that he was convinced that, before the examinations were concluded, the expenses would have amounted to 1,200*l.* or 1,500*l.*, and the number of folios occupied by the depositions to 1,500. On the conclusion of the examinations, these depositions would be sealed up and would be transmitted to the Court of Chancery, in order that his noble and learned Friend (the Lord Chancellor) might examine them and give a decision on the case. It was utterly impossible that any one, from reading such a mass of evidence as this, without having heard a word of it given, or seen the demeanour of one of the witnesses, could arrive at a distinct, useful, and trustworthy conclusion upon the case. He was aware that there might be difficulties in the way of introducing *vivâ voce* examinations into the Court of Chancery, but he was convinced from experience, and his opinion was confirmed by what had occurred in the Court of Admiralty, that these difficulties were by no means insuperable, and he trusted that before long we should see this most important improvement effected. The country was much indebted to his learned friend (Dr. Phillimore) for the preparation of this Bill. That learned person was a distinguished civilian, and it was upon his experience in the Court of Admiralty that this measure had been founded. A right rev. Prelate had suggested the extension of the measure to Ireland; but he (Lord Brougham) had found that this could not be done without inserting in it a compensation clause, to introduce which this House had no power. In England the examinations of witnesses were taken by any proctor who might be appointed in each case; and on their part there could, therefore, be no claim for compensation. In Ireland, on the contrary, three or four proctors were selected, who were not allowed to practise, and upon whom was cast the duty of performing these examinations. If their offices were abolished, they would, therefore, be entitled to compensation; and this he thought was sufficient reason for not attempting to extend this Act to Ireland.

THE LORD CHANCELLOR thought there could be no difference of opinion as to the great importance and utility of this Bill. He had no doubt that it would be a great improvement on the present system, and he trusted that it would furnish an example which might be followed, even if not entirely adopted, in the reforms which were now under consideration in the mode of taking evidence before the Court of Chancery. The improvements which had been recently introduced were very great, but still they were not entirely satisfactory. But, as the noble and learned Lord was aware, there were great difficulties in the way of adopting a pure and simple system of *vivâ voce* examination. The Commissioners, however, were perfectly acquainted with the importance of some change being made, and it was very satisfactory to know that one of the most zealous of their body was the head of the Admiralty Court, in which this system, as the noble and learned Lord had stated, had been found to work so advantageously. It certainly would be a matter for congratulation if, during the recess, some mode could be devised of getting rid of the present enormously expensive system; but the noble and learned Lord must himself feel that simply to adopt a mode of procedure by which it would be necessary to have witnesses up from all parts of the country to be examined in the Court of Chancery—to have them detained in town, as they necessarily must be, day after day, while the cause was waiting to be brought on—would be materially to increase, instead of to diminish, the expense. It must be observed, however, that the Judges in the Court of Chancery had the power of calling for the witnesses and examining them *vivâ voce* if they thought fit, and also that, as there was in the Court of Chancery an appeal upon the facts as well as the law, the facts of the case must, under such circumstances, be fully looked into a second time by the Court of Appeal. He could assure his noble and learned Friend that the subject should have his most earnest attention.

LORD CAMPBELL rejoiced that this scheme was likely to become the law of the land. He had certainly, at first, grave objections to measures for the reform of the Ecclesiastical Courts, simply because he thought that those Courts had already been doomed, and that they would soon be allowed to die out. He had been told that the testamentary cases were to be removed to another tribunal, and that divorce and matrimonial cases were also to be removed from those Courts. It was also thought that the suits in Ecclesiastical Courts were to be altogether abolished. Unfortunately those hopes were now to be cruelly disappointed. It appeared that those Courts had a charmed life, and were immortal. Under such circumstances he thought that the present Bill would be a great improvement to the proceedings of those Courts.

LORD BROUGHAM said, the way to render unnecessary the bringing witnesses to London from all parts of the country, in order that they might be examined by parole in the Court of Chancery, would be to give to local courts power to inquire into the facts, and to return to the Court of Chancery a sort of special verdict, on which judgment should be pronounced. He hoped that this change would be speedily effected, and was convinced that without it there could be no complete and effectual improvement of the Court of Chancery.

Bill read 3ª, and *passed.*

TOWNS IMPROVEMENT (IRELAND) BILL.

Order of the day for the Second Reading read.

EARL GRANVILLE, in moving the second reading of this Bill, said, that he would not at present detain their Lordships by entering into details as to the particular clauses of the measure, which would be better considered in Committee. The Bill was based upon the experience of the different local Acts which had been passed for individual towns, and the impression of those who originated the measure was, that it would be more advisable to have one general Act as applicable to towns generally than in every case to have to apply for a special and a local Act. The Bill was framed on the Irish and Scotch Acts, and he felt little doubt that the Bill would be found well adapted to carry out the improvements that were contemplated and required.

Moved, That the Bill be now read 2ª.

THE EARL OF DONOUGHMORE moved as an Amendment that the Bill be read on that day three months. The noble Earl said, that his objections to the measure were, first, as to the general form of the measure; and, secondly, as to its general details. In respect to his first objection, he observed, that the learned Gentleman who drew up the Bill had availed himself for the whole machinery of the measure of the clauses of various consolidation Acts —the Companies' Clauses Consolidation Act, the Towns Improvement Clauses Consolidation Act, and the Lands Clauses Consolidation Act; provisions from each of those Acts were introduced into the present Bill. Now, it should be recollected that those Clauses Consolidation Acts were passed for the sole purpose of facilitating the carrying out of private or local Acts; it was never intended that their provisions should be incorporated or made to form part of a public general Act. As the Bill at present stood, it was applicable to no less than 237 towns and villages in Ireland—to any town or village containing 1,000 persons. Now, its details were of a most complicated character, and it could not be supposed that the little shopkeepers in the small towns and villages, though respectable men in their way, could be sufficiently acquainted with the law referred to in this Bill to be enabled to carry out its provisions. Why, they would be confounded by the continual references which the Bill made to Acts of Parliament. How was it proposed that the Town Commissioners under this Bill were to be elected? Why, the Commissioners might be persons whose only qualification for the office was the occupation of a house rated at 12*l.* a year. What was likely to be the effect of this measure? There would, first, be a most complicated and difficult system of law to establish; and next, the appointment of efficient officers to work out its details. If this Act were adopted in small towns, the effect would be utter confusion. In the rural parts of Ireland the burdens had greatly decreased. Where he (the noble Earl) resided the rates had been greatly reduced. But if this measure passed, it would have the effect of creating great additional taxation as well as responsibility. The poor people in the towns and villages of Ireland would be induced to think that this was a simple piece of legislation, intended solely for their advantage; but when they attempted to put it in operation they would find that the main features of the measure were taken from the Consolidation Clauses Acts. He thought that the learned Gentleman who drew up the measure should have stated its provisions upon the very face of the Bill. He believed that thirteen towns had petitioned in favour of the Bill. He (the noble Earl) was quite willing that those towns should have the full benefit of it, but he objected to its application being made general. He considered it a great anomaly that there should be a different qualification for those who would have the power of voting for the application of the measure, and those who would have the right of voting for the Commissioners who were to act under the Bill. The qualifications for the former would be the occupation of a house rated at 8*l.*, and of the latter of a house rated at 4*l.* That difference appeared to him to be inconsistent with common sense. There was another extraordinary provision in the Bill. In the former Acts the rating to give the qualification to a Commissioner was 20*l.*, but in the present measure the qualification for such office was only 12*l.* He did not think that any necessity existed for the passing of the measure at the present moment; and, in the hope that the Government would introduce some better mode of dealing with the subject, he moved that the Bill be read a second time that day three months.

Amendment *moved*, to leave out "now," and insert "this day three months."

EARL GRANVILLE did not think that the objections taken by the noble Earl were of such a nature as ought to induce their Lordships to postpone the Bill. With reference to the question of qualification, he would be most ready to consider any Motion that the noble Earl might think it his duty to submit in Committee; and, as to the point relating to the magistrates, he begged to remind him that those magistrates could only exercise judicial functions for the purposes of the Bill. He hoped their Lordships would not consent to the Motion of the noble Earl, but read the Bill a second time and allow it to go into Committee.

THE EARL OF DESART complained that the Commissioners were to be armed with arbitrary powers, the exercise of which might subject those over whom they were placed to serious inconvenience and injury. He protested against the powers given to these Commissioners as an evasion of the rights of the people. It might be necessary to pass a measure for the promotion of such objects as the Bill professed to deal with, but this was not a step in the right direction, and he trusted, therefore, their Lordships would not give their assent to the second reading of a measure that seemed to him to be arbitrary, tyrannical, and inexpedient.

THE EARL OF CLANCARTY said, they were not only conferring large powers on the Commissioners by this Bill, but were proposing a qualification that was much too low to secure an efficient class of men. He did not think that bringing in the Lord Lieutenant would be any check whatever to the evil consequences which he anticipated from the Bill. A new principle of election was introduced, to which he trusted their Lordships would not give their sanction. He was friendly to liberal institutions, but they must be careful how they promoted such schemes as the present. Among other powers given to the Commissioners, besides that of extending the area of taxation, was the power of purchasing land with or without the consent of its owner. This he regarded as in the highest degree objectionable.

LORD MONTEAGLE thought that they would do more justice to this subject by not resisting the second reading of the Bill, and by reserving their objections to be separately considered and disposed of, after fair investigation, in Committee.

THE EARL OF EGLINTON said, that by the present Bill they proposed to apply the same powers to large towns and to small villages, and he thought it hard to bring in a Bill containing a proposition of such a sweeping nature. He had not, however, fully considered the Bill, and conceived that the best course for them to adopt was that pointed out by the noble Lord (Lord Monteagle); but a still more preferable course would be to refer it to a Select Committee.

THE EARL OF RODEN also concurred in the proposition of the noble Lord (Lord Monteagle). The principle of the Bill was one of great importance, and he trusted that in Committee the objectionable clauses would be obviated or omitted, and the measure rendered really useful.

EARL GRANVILLE trusted, after what had passed, their Lordships would consent to read this Bill a second time at once. With respect to the suggestion that it should be referred to a Select Committee, he thought that they were rather overriding that practice. A similar proposal was made with respect to almost every Bill that came before their Lordships' House. Now, a Select Committee was a very good thing in its way, but it was not a panacea for every possible evil; and with respect to the objections which had been raised against this Bill, they were all of them matters for discussion in Committee, and all of them matters which might very well be settled in the whole House. He thought that whatever alterations were made in the measure had better be made in the House, where the reasons for them might be given, than in a private room upstairs; but he confessed that the only objection which had made any impression on his mind, was that which had been mentioned by the noble Lord on the cross-benches (Lord Monteagle) and the noble Earl opposite the late Lord Lieutenant of Ireland (the Earl of Eglinton), relating to the compulsory power to take lands. That was a question which he was ready to admit appeared to him to be deserving of further consideration.

The Earl of DONOUGHMORE having consented to withdraw his Amendment,

Motion, by leave of the House, *withdrawn:* then the original Motion was *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 18, 1854.

MINUTES.] PUBLIC BILLS.—1° Duchy of Cornwall Office; Marriage Acts.
2° Indian Appointments, &c.; Spirits (Ireland); Medical Graduates (Ireland and Scotland).
Reported—Vaccination Act Amendment.
3^c Jamaica Loan; Royal Military Asylum; Criminal Justice.

VACCINATION ACT AMENDMENT BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BRADY said, he would beg to suggest to the right hon. Baronet (Sir J. Pakington), who had charge of this Bill, the propriety of deferring its further progress, because our present system of vaccination was conducted on a mistaken principle. He thought it was not right that the time of the House should be taken up in legislating upon a subject which was not yet understood, especially with the certainty that it would be necessary to legislate again upon it next year. It was quite impossible that this Bill could be worked in its present form. So long as our vaccination system was administered under the Poor Law Board, and as the persons who were brought in contact with it were thereby stamped with the mark of pauperism, it was utterly impossible that the object which the House had in view could be attained. It was impossible, by the means embodied in this Bill, to secure an adequate supply of good lymph. He felt sure that if our present system were continued, the ravages of small-pox would be materially extended. By the first clause of this Bill it was not to come into operation until February next. He would, therefore, suggest that they should not now proceed with this Bill, but that previously to next Session the subject should be inquired into, and he had no doubt that a good practical measure might then be introduced. Under these circumstances, he would move that the Bill should be committed that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "This House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

SIR JOHN PAKINGTON said, that the principle of this Bill had been affirmed in the last Session of Parliament, and this measure was merely introduced to correct two errors in the Act of last Session. One was, that a wrong number of days was prescribed, at the end of which the child was to be brought before the medical man for examination; and the other was, that in the Act of last Session no sufficient mode of recovering the penalties was enacted. There were also two or three clauses inserted by the request of the Registrar General. He could not, under the circumstances, assent to the postponement of the Bill.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*:—Main Question put, and *agreed to*.

House in Committee.

Clause 1.

MR. HENLEY said, he objected to throwing the expense of the vaccination system upon the poor rates. That was, in fact, to impose a new burden upon the land, which was already sufficiently taxed.

MR. BAINES said, that the principle of making the vaccination system a charge upon the poor rates had been affirmed in 1840 and 1841.

MR. HENLEY could see no reason why they should not attempt to redress an injustice, if one had been inflicted.

MR. BRADY said, that it seemed to him to be very undesirable, that the vaccination stations should be at the workhouses.

LORD SEYMOUR said, he wished to hear the opinion of the Government, not only upon the present Bill, but upon the Act of last year. Did they think that the principle which the House then adopted was a good one?

MR. BARROW said, he also thought it was undesirable to pass the present Bill. He had a strong objection to throwing additional charges upon the poor rates.

LORD SEYMOUR said, he wished to hear from the right hon. Gentleman the President of the Poor Law Board the view the Government took of the measure of last year, and in the absence of such explanation, he proposed to throw out the clause altogether, in order to throw upon them the responsibility of legislating on the subject.

MR. BAINES, in answer to the appeal made to him by the noble Member for Totness (Lord Seymour), as to his opinion of the Act of last year, said he was not present when that Act was passed, and he was, therefore, personally in no way responsible for it. But such an Act having been passed by the Legislature, he had felt it his duty to endeavour to carry it out in the sense which he understood the Legislature intended. For himself, he entertained doubts, whether it was the wise course to place the vaccination in connection with the Poor Law in any way; but Parliament having taken a different view, his duty was simply to carry out the law as he found it. With regard to the present Bill, the Committee was aware that the Act of last year contained a provision that the child should be brought to the medical man for vaccination on the eighth day, and imposed a penalty on the parent for neglect; but it had since been discovered that the eighth day was the wrong day, and that it should have been the seventh. To cure that fault, therefore, this Bill was necessary. With regard to the charge, the Act of last Session having received the sanction of the Legislature, it was better, in order to carry out that law, to place the charge upon the poor rate instead of the Consolidated Fund. If it was thrown upon the Consolidated Fund, it would be difficult to say what jobbery might take place, or what the extent of the expenditure would be, and therefore he thought it more desirable that the control should be with those who paid the money.

SIR JOHN PAKINGTON begged to observe, that this clause had been introduced at the request of the Registrar General.

MR. BRADY said, he doubted whether the alteration of the Bill, from the eighth to the seventh day, was an improvement. He thought that in this climate the eighth was the proper day for bringing the child to the medical man.

VISCOUNT BARRINGTON said, that the opinion expressed by the right hon. President of the Poor Law Board amounted to a condemnation of the Bill. He would therefore recommend the postponement of the measure.

MR. FITZROY said, that as doubts had been expressed as to the alteration of the day, and, after the opinions expressed in favour of the withdrawal of the Bill, he should recommend the right hon. Baronet (Sir J. Pakington) to consent to withdraw all the clauses but the second. Next Session the whole matter might be referred to a Select Committee, who might inquire how the Bill of last Session had worked.

MR. MICHELL said, that medical men all over the country declared that they were unable to carry out the provisions of the Bill of last year. He was opposed to it on constitutional grounds—as no parents ought to be compelled to have their children vaccinated.

SIR JOHN PAKINGTON said, with respect to the course to be taken with the Bill, he could only say that it was not his Bill, having come down from the other House; but he thought legislation on the subject laudable. He did not feel justified in abandoning the Bill.

LORD SEYMOUR said, he did not object to the principle of the Bill, but only to the mode of carrying out the details. He would refer to the difficulty of carrying out the clause compelling the parent to take the child for inspection a certain day after being vaccinated. He would, therefore, propose to reject all the clauses except the second, so as to leave the question to be dealt with generally next Session.

MR. BRADY said, that small-pox was more prevalent than usual this year, and that arose from the Act of last Session absolutely operating to prevent medical men from vaccinating with the necessary facility.

MR. BARROW moved that the Chairman leave the chair, with the view of getting rid of the Bill.

MR. FITZROY hoped the hon. Gentleman would not press that Motion, because it was important that the second clause of the Bill which related to the penalties should be passed.

MR. BARROW said, that on the understanding that the Bill would be confined only to the second clause, he would not press his Motion.

Clause 1 put, and *negatived;* Clause 2 *agreed to.*

Clause 3,

SIR JOHN PAKINGTON said, if this clause was not passed, it would reverse the legislation of last Session enacting compulsory vaccination, which he thought desirable. He could not abandon the clause.

The clause was then put, and *negatived,* as were all the other clauses.

House resumed.

Bill *reported* as amended.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT BILL.

Order for Committee read.

MR. CAYLEY said, he wished to propose the following instruction to the Committee—

> "That it is expedient in this Bill, renewing the Act 14 & 15 *Vict.* c. 104, to define more clearly the intention of the following words in the first clause of that Act, namely, 'It shall be lawful for any Ecclesiastical Corporation, sole or aggregate, with the approval in writing of the Church Estate Commissioners, who shall pay due regard to the just and reasonable claims of the present holders of lands, under lease or otherwise, arising from the long-continued practice of renewal, to sell to any lessee, under any lease granted by such corporation, the reversion, estate, and interest of such corporation in all or any of the lands comprised in such lease, for such consideration, upon such terms, and in such manner as such corporation and lessee may, with such approval as aforesaid, think fit.'"

He thought it right that the attention of the House should be called to this question, and he, moreover, wished to call to the recollection of the House what had taken place many years since, when the present Lord Monteagle, then Mr. Spring Rice, introduced a Bill on the subject, and reminded the House that Parliament had decided that due regard should be paid to the just and reasonable claims of the present holders of land, whether under lease or otherwise. In the year 1832 the Real Property Commissioners recommended that a final settlement should take place between the Church and the laity on the basis of customary payments. In the Agricultural Committee of 1833, a plan was suggested in favour of the uniform settlement of the tithe question at the rate of 75 per cent; but the noble Lord the President of the Council stated that it had been the custom of Devonshire from time immemorial to pay only 40 to 50 per cent, and that it would be absolute confiscation to come down to the House, and say that the persons who had paid only 40 or 50 per cent should be called upon to pay 75 per cent. The noble Lord accordingly brought in a Bill in the year 1836 to settle the tithe question precisely on the basis of customary payments. After the year 1837 Parliament began to interfere between the landlord and the tenant, and the lessor and the lessee. The parties were previously competent to drive a bargain with each other; but when Parliament backed one party to stand out against the other, the other had no chance whatever, and that was the injustice of which, practically, the lessee had to complain. In 1850, when the Estates Commissioners Bill passed, which enabled the Bishops to transfer their material interests into the hands of the Estates Commissioners, and to accept in return a fixed income, he had asked his noble Friend (Lord J. Russell) whether that Bill would prejudice the lessees' case; and his noble Friend said "No, no." But the House would observe how it had very materially prejudiced it; for when once the tenure was changed, and the power to lease was transferred from a dying body like the bishop to the hands of an undying body like the Commission, the Commission might choose to say that they would not renew, and, consequently, the indirect effect of passing the Estates Commission Act had been to prejudice very materially the lessees' interests. That was not carrying out the intentions of Parliament as expressed in the Act of 1851, or providing that due regard should be paid to the just and reasonable claims of the holders of lands under lease or otherwise. The Bill of 1851 having passed as a permissive Act, he (Mr. Cayley) was in hopes that at the expiration of the three years his noble Friend would have brought in a compulsory measure in order to effect a settlement of the question. In 1851 the principle of the compensation of the lessee where loss was sustained by him was affirmed by Parliament, but it was done in a singularly vague manner, and no general discussion had taken place. If the noble Lord the President of the Council was referred to, to state the sum at which the amount of compensation should be fixed, he would have no fear of the result. For a period of 200 years successive renewals of church leases had been allowed, and such was the confidence felt in the continuance of the system that settlements in some parts had been made with reference to them. The tenure was peculiarly popular among the yeomanry of the country, as by it that class became virtually proprietors of the land, and in the diocese of Durham, where one or two cases of disputed title occurred, it was not the bishop or the dean who came forward to vindicate it, but the lessee, who, it was considered, was most interested in the question. Such entire reliance had been placed upon that custom in the diocese that nearly the whole of the town of South Shields had been built upon leasehold land. Another point to which he wished to call the attention of the House was, that the Estates Commissioners based their calculations on the lives actually in the leases. Now that rule would press very hardly upon the holders of leases, particularly of small properties; because, in consequence of the reliance which had been placed on obtaining renewals, the lives were frequently not in so favourable a state for the lessee as they might have been. After all, this came to a question of extracting more from the lessees than they had been in the habit of paying. The plan which the Government proposed in 1837 would have had the effect of taking 250,000*l.* a year more out of their pockets than they had previously been charged with. This, at thirty years' purchase, amounted to 7,500,000*l.* The Church Estate Commissioners, however, according to the system they had pursued, would take 12,000,000*l.* from them—really a very large sum to charge upon so limited a body of persons, especially when it was recollected that they had hitherto considered themselves as practically the proprietors of the land.

MR. SPEAKER said, that such an instruction was unnecessary, because, under the title of the Bill, the Committee were empowered to entertain the question referred to by the hon. Member.

LORD JOHN RUSSELL said, he must appeal to the hon. Member to allow the House to go into Committee. He could then move any Amendments he wished.

MR. CAYLEY said, he would withdraw his Motion.

MR. H. G. LIDDELL said, he wished

to call the attention of the House to the propriety of giving the places where funds arose from dealing with church property a prior claim to relief from them. This principle had already been approved by Parliament in dealing with the tithe rent-charge. At Hartlepool, Berwick, Newcastle, Leeds, and other towns in the north, the means of spiritual instruction were quite inadequate to the demand; in one large parish, containing 22,000 inhabitants, there was only one church and one parochial school, capable of instructing about 100 children. At Gateshead there was not church and school accommodation for one-seventh of the population. The clergy of Hartlepool had not, altogether, an income of more than 1,500*l.* a year, and the incumbent of one of the largest parishes in that borough had only 170*l.* a year. In several townships there were neither churches nor schools, and the natural result followed in the degraded condition of the juvenile population. He did not wish to throw any blame on the Estate Commissioners, but he did think that those places from which large sums of money were derived had a prior claim to relief from them. One object of ecclesiastical property was undoubtedly to provide for the spiritual wants of the people, and Parliament ought not to be indifferent to the purposes which that property was intended to meet. If the House assented to the introduction of an arbitration clause in the present Bill, they would undoubtedly facilitate the enfranchisement of church property. This would necessarily place large funds in the hands of the Estate Commissioners, and it was therefore especially necessary that the House should now recognise the claims of the places where the property so enfranchised was situated.

MR. AGLIONBY said, he thought that nothing could be so desirable as to have some good and clear guide with respect to what are just and reasonable rights to compensation on the part of the lessees.

House in Committee.

Clauses 1, 2, and 3 *agreed to.*

Clause 4,

MR. INGHAM said, he was convinced that some alteration in the machinery was necessary in order to ensure greater despatch in the transactions under the Bill. He would, therefore, suggest that there should be a body for arbitration, or set of arbitrators appointed, to get rid of the difficulty to which he referred, and would consequently move the introduction of the following words to the clause—

> "That the Bill be extended for two years, and that in every case where a treaty shall have been entered into under the provisions of this Act, for the sale, purchase, or exchange of any episcopal or capitular estate in England, or of any interest in such estate, it shall be lawful, by the consent of both parties to such treaty, to refer to arbitration the finding of the annual value of such estate, and of the value of the fee simple thereof, subject to the exceptions and reservations, if any, to be excepted and reserved thereout, and that such finding shall be adopted in computing the terms of such sale, purchase, or exchange, regard being had, in the final settlement of such terms in every such case, to the just and reasonable claims of the present holders of land under lease or otherwise, arising from the long-continued practice of renewal; and that in every such case one arbitrator shall be appointed by each of the parties to such treaty, and the two arbitrators so appointed shall, before they proceed in the matter referred to them, appoint an umpire or third arbitrator, and the proceedings upon such arbitration shall be conducted in like manner, and subject to the same rules and enactments as upon a reference made by consent upon a rule of court or judge's order. Provided always, that it shall be lawful for the parties to such treaty to appoint one and the same person to act as sole arbitrator; and in such case the valuations, acts, and award of such arbitrator shall have the same effect as valuations, acts, and award of the arbitrators and umpire, under the provisions herein contained; and in every case the costs of such arbitration and award shall be in the discretion of the said arbitrators or umpire, as the case may be."

He considered that the clause did not interfere with the present voluntary character of the Bill, and he thought that the interests of the lessees would be better stated before a court of arbitrators, and more easily decided upon than in protracted negotiations with capitular bodies.

MR. GOULBURN said, that if the object of the hon. and learned Gentleman was to enable the dean and chapter, on one side, and the lessees on the other, to appoint arbitrators to decide between them, all he could say was, that it was now open to the parties to do so, and there was no objection in point of form, which prevented the dean and chapter, on the one side, and the lessee on the other, appointing joint or single arbitrators for the purpose of ascertaining what, in their view, was the value of the property. Any clause of this nature was, therefore, unnecessary, and absolutely a work of supererogation. But if the hon. and learned Gentleman meant that the Church Estates Commissioners were to be bound by the arbitration entered into between the two parties, the case was totally different, and the proposition was one to which that House should not accede. It should be borne in mind that the principle on which the House had sanctioned this dealing between the capitular body and their lessees was this, that there was a hidden value in the property which it was fair should be divided, not between those two parties, but between the body that was interested in it (the capitular body) on the one side and the general interests of the Church on the other. It was only out of the surplus which was to be derived after the arrangements had been made that there was any hope of deriving funds for the relief of that spiritual destitution which an hon. Gentleman opposite (Mr. H. G. Liddell) had pointed out in such strong and just terms as prevailing in different districts within the county which he represented. The whole objection was that an arrangement should be made to suit entirely the objects of the two parties who contracted it, and it was necessary that it should be made with reference to the interests of the Church at large, for the purposes to which he had already alluded. The capitular body and the lessee might have a joint interest in depreciating the interest of the estate to the lowest possible amount. The capitular body would derive no advantage from the augmentation of the value, and the lessee, connected as he might be with the other, as agent or trustee, would have a manifest interest in depreciating the value of the property with which he had to deal. If the decision were made by two arbitrators, one of whom was appointed on behalf of each of those parties, it might occur that the interests of the Church, which were ultimately to be served, would only be injured. Before any opinion could be expressed on the clause it was necessary to understand whether the arbitrator's decision was to be subject to the uncontrolled revision afterwards of the Church Estates Commissioners, or whether it was to be held as one that should be binding and compulsory upon them.

Mr. INGHAM said, that the proposed clause contained nothing to interfere with the power of the Church Estates Commissioners to pronounce a final decision on these questions.

Mr. GOULBURN said, that in that case the apprehensions which he had expressed with respect to the clause were removed; but he did not know whether the Committee would be disposed to agree to a clause merely to sanction that which the two parties might do at present. The only objection he saw to the proposed clause was, that in its working it was likely to excite dissatisfaction with the proceedings of the Church Estate Commissioners in cases where they set aside the award of the arbitrators.

Mr. AGLIONBY said, the explanation of the hon. and learned Member the mover of the clause was certainly exactly the reverse of that which he expected, for he understood it was intended to provide something definite in the way of arbitration. That might have been the subject of discussion, but, as explained by the hon. and learned Gentleman, the clause would be not only unproductive, but mischievous, by causing much useless irritation and heart-burning between the lessees and the Church Estates Commissioners. As he read the clause, he understood that the award of the arbitrators would be binding on the Commissioners, for, although it came before them for confirmation, if it did not bind them, it would be of no utility whatever. There could be no doubt that, however liberal the arrangement might be, under the Act of Parliament the lessee would lose some years' valuation, and regard ought to be had to his interest. The clause, as it stood, did not seem to confer any benefit upon him, and he hoped the hon. and learned Member would either give some further explanation or not press it.

Mr. INGHAM said, at present there were no means of knowing how the sum charged was calculated. What he wished by this clause was to have an arbitrator, not for the purpose of fixing the sum to be paid, but of ascertaining the value of the fee simple, the rent, and other particulars which might form the basis upon which the calculations would be made by the authorities when they came to consider the amount to be paid, and which amount would, of course, depend on the value of the lease and the consideration to be given to the lessee beyond his term, the whole matter being eventually submitted to the Church Estates Commissioners. At present, they had no power to reduce the amount, however excessive it might be.

Mr. EVELYN DENISON said, the present was a permissive Bill, and the great advantage of the proposed clause was, that it did not interfere with its permissive character. But his hon. Friend the Member for Cockermouth (Mr. Aglionby), would turn it into a compulsory Bill. Now, he asked, would that be preserving its character, and would they keep within its title and direction if they introduced a compulsory clause of that nature? The object of the hon. and learned Member for South Shields (Mr. Ingham) was to establish some machinery for the purpose of bringing the parties together, and he begged to ask whether it would be consistent with the opinions of the noble Lord the President of the Council, that an arbitrator should be appointed by the Church Estates Commissioners to act on behalf of the Church generally; and, as that could not be done without the assistance of Parliament, it would get rid of one of the objections that had been urged?

LORD JOHN RUSSELL said, that Parliament having adopted this plan for the enfranchisement of capitular estates, it was desirable to carry it into effect; his hon. Friend who spoke last said with great truth, that the intention of Parliament was, that this Act should be voluntary, and it was advisable to maintain that principle. His right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) had stated correctly that it would not be sufficient that the bishop or the capitular body on the one hand, and the lessee on the other, should each appoint an arbitrator who should choose an umpire, because it might be that the interests of the two parties alone would be consulted, and that of the Church neglected; for, although there might be many instances in which the lessee and the chapter might have no interests in common, in other cases large estates might be transferred without proper regard to the general interests of the Church. His hon. Friend the Member for Malton (Mr. E. Denison) had said this was a question of giving great facilities for arrangement between the lessee, the ecclesiastical body, and the Church Estates Commissioners, and he (Lord J. Russell) thought it was desirable that such facilities should be given, and considered that the suggestion the hon. Member had made would tend to produce a just and fair settlement of the question. He did not know whether the exact words drawn out by his hon. and learned Friend the Solicitor General would answer the purpose, but he proposed to insert after the word "treaty," the words "with the approbation of the Church Estates Commissioners," and, after the words "in every such case one arbitrator shall be appointed," to omit "by each of the parties," and insert instead, "by the Ecclesiastical Commissioners, and the other by the lessee or the intending purchaser." That seemed to him a very fair proposition, and he should like to know the opinion of his right hon. Friend the Member for the University of Cambridge on it. It was with great pleasure he had observed during the discussion that justice had been done to the Church Estates Commissioners, who, it must be admitted on all hands, had manifested a very fair and impartial spirit in the working of the Act.

MR. GOULBURN said, he doubted very much whether the adoption of the suggestion of the hon. Member for Malton would facilitate transactions of the kind they were now considering. He could quite understand that a capitular body would be willing to enter into negotiations with their lessees, when they were to be conducted by each party nominating an arbitrator; but he feared they would not be equally ready to do so if they knew that, the moment they commenced a negotiation, another body would send down an arbitrator. He did not think that the Committee had any reason to be dissatisfied with the progress that had been made in the enfranchisement of church property, seeing that in the last two and a half years, 3,000,000*l.* of property had undergone that process. Every one knew what would be the course of proceeding under this clause. In all cases of arbitration, the arbitrator of one party fixed the price as high as possible, and the arbitrator of the other as low as possible, and then the umpire took the medium. Now, no doubt, in arbitrations under this clause, the lessee would fix the value of the property as low as possible; but if the Church Estates Commissioners fixed the price as high as possible, he (Mr. Goulburn) would be asked by some hon. Member how they came to fix so exorbitant a value upon the property; and it would be no answer to that complaint to say that they had done so because they knew the umpire would take the medium between the highest and the lowest price. The Commissioners would thus be placed in a very difficult and invidious position.

MR. MULLINGS said, he thought the object of the clause was, to give some protection to the lessee, but if it were true that the latent value which was said to be in the property was to be applied to the funds for decreasing spiritual destitution, what became of the lessee's interest in the renewals? He thought the clause as it stood might be easily carried out, and he did not see, because extreme cases might occur, in which lessees attempted to depreciate the value of the property, that they should be debarred from a fair consideration of their rights arising out of the long-continued practice of renewals. The lessees had held those estates in continued succession since the enabling Acts of Elizabeth, and all the improvements in the property for the last 200 years had been made by them; it was not fair, therefore, that they should be subjected to the control of the surveyor appointed by the Church Estates Commissioners and be placed under his veto. Such a proceeding would not be in accordance with the intentions of the Legislature, conveyed in the Act of 1851.

MR. CAYLEY said, it was not correct to say there was a latent value in the property, for, although an additional amount might be obtained by the Church Estates Commissioners if they compelled the lessees to sell separately, which they would have to do at a disadvantage, yet until that occurred, whatever latent value existed was enjoyed by the lessee.

LORD HARRY VANE said, he concurred in thinking that much injustice had been done to the lessees, and that the only question was, whether they should adopt or reject the addition to the clause proposed by the hon. and learned Member. He trusted the Committee would, without further discussion, accept it in its amended form.

MR. HENLEY said, he did not think the words that had been introduced by the Solicitor General would give the Church Estates Commissioners the appointment of one of the arbitrators.

THE SOLICITOR GENERAL said, he would beg to call the attention of the right hon. Gentleman to the words of his Amendment—

> "In every such case, one arbitrator shall be appointed by the Church Estates Commission and the other by the lessee or intended purchaser."

The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was under a misapprehension in supposing that the value was to be ultimately settled by arbitration.

Clause, as amended, *agreed to.*

House resumed.

Committee report progress.

VENTILATION OF THE HOUSE—DR. REID.

MR. G. DUNDAS said, he begged to move for copies of the correspondence between the Board of Works and Dr. Reid from the 1st of June, 1852, to the 10th of February, 1853. He was desirous of bringing this question before the House, believing it to be due to the character of Dr. Reid, that some explanation and inquiry should be made with regard to his most unwarrantable dismissal from the position he held in connection with the House; for which he had abandoned an honourable and lucrative profession. He was not biassed in Dr. Reid's favour by any personal feeling, but his opinion of the case had been gathered from documents from which he should give extracts bearing on the case, and he trusted that he should be able to establish such a case of hardship as to induce the House to grant an inquiry into its circumstances. He would shortly state, with regard to the antecedents of Dr. Reid, that he was for many years a practical chemist in Edinburgh, and bore a reputation as a lecturer on chemistry, and he had made a number of successful experiments in ventilation in his own lecture-rooms. In 1834, after the Houses of Parliament were destroyed by fire, and the new ones projected, the question of the ventilation of those buildings came under consideration, and in consequence of the evidence given by Dr. Reid, he was desired to make further experiments, and the temporary House of Commons was placed under his care and ventilated in such a manner as to call forth from Lord Duncannon, then Chief Commissioner of Woods and Forests, in a letter written by him, an opinion that the experiments of Dr. Reid were most satisfactory. Dr. Arnott, about the same time, had given an opinion in favour of Dr. Reid's system. In 1840 Dr. Reid entered into an engagement to ventilate and warm the new House of Parliament, and the nature of that engagement had been much misapprehended. Dr. Reid understood that his services would be required until the new buildings were finished; and nothing less would have induced him to give up his lucrative occupations in Edinburgh. But the engagement as interpreted by the Treasury bore a very different aspect to that in which Dr. Reid viewed it. He (Mr. Dundas) believed the right hon. Gentleman (Sir W. Molesworth) differed from the view of that engagement taken by Dr. Reid, and that he interpreted it to extend only to such time as the Houses of Lords and Commons remained untenanted. [The hon. Member here read portions of a correspondence between Dr. Reid and Mr. Mills, tending to show that the engagement was supposed to extend to the management of the whole building.] Dr. Reid's system was a large and comprehensive one, and embraced the whole pile of buildings. In 1844 his duties were extended to the superintendence of the lighting of the House. The Duke of Newcastle, then Lord Lincoln, and the other Commissioners of Works at that time, expressed the highest opinion of Dr. Reid's capabilities; and urged that, as he had been so successful in warming and ventilation, he should also be intrusted with the lighting of the House. However, misunderstandings arose between Sir Charles Barry and Dr. Reid. He (Mr. Dundas) would say little about them; but would content himself by stating two instances of misunderstanding between them, which he thought would place Dr. Reid in a different position in the eyes of those who now thought he was to blame. He had no desire to depreciate a gentleman who had produced a building like the Houses of Parliament; but he must say, that he regretted that he had not lived at a period some hundred years antecedent to the present time, when very different views were entertained with regard to the comfort and usefulness of buildings like these. The first misunderstanding arose in consequence of the many changes made by Sir Charles Barry in the great central tower. All Dr. Reid's air-passages and channels were connected with the central tower, and the alterations proposed by the architect in that tower entirely confused all Dr. Reid's operations. In 1845, in consequence of the disagreements between the architect and the ventilator, a conference was proposed with the view of settling their differences. This conference, in Dr. Reid's view, partook of the nature of a private conversation; but some time afterwards Sir Charles Barry sent in to the Board of Works a paper which he called "Minutes" of what took place at the conference. The accuracy of those Minutes was, however, repudiated by Dr. Reid. In 1852, when Lord John Manners was Chief Commissioner of Works, he recommended that Dr. Reid be appointed for life; but Dr. Reid found it impossible to accept this offer, subject to those thwartings which had been practised upon him. Difficulties occurred, and Dr. Reid received notice that, on the 1st of November, 1852, his services would no longer be required. He was, however, directed to get his arrangements ready before the meeting of Parliament in November. He set to work with great energy, and employed a great many men. Up to this time he had had very little control in directing the arrangements to ventilate the House. Four days, however, before the opening of Parliament, his office was taken possession of, his works put a stop to, the young men whom he had been training up were dismissed, and the whole matter placed in the hands of a man whom he had no confidence in whatever. Dr. Reid threatened to go to law to assert his rights; but an arbitration was proposed, and after some delay he consented to it. When the reference had been gone into, however, the arbitrators were informed that if they gave any decision which could not be supported in a court of law, they would subject themselves to heavy penalties. The result was, that he received only a small sum compared to what he was entitled to. Sir John Forbes, one of the arbitrators, stated that if it had not been for the restrictions placed on the arbitrators, he should have awarded a much larger sum. On these grounds he trusted that the House would agree to the production of these papers.

Motion made, and Question proposed—

"That there be laid before this House, Copies of all Correspondence, Documents, and Communications between the Board of Works and Dr. Reid, from the 1st day of June, 1852, to the 10th day of February, 1853:

"And, of the Evidence taken last year at the Arbitration between the Government and Dr. Reid."

Sir WILLIAM MOLESWORTH said, he thought this a very extraordinary motion, and one which the House should not be asked to entertain. The question had been settled last year by an arbitration which Dr. Reid consented to, and a Vote of the House was passed in consequence for the sum of 3,250*l.* When he (Sir W. Molesworth) came into office, he found that his predecessor had put an end to Dr. Reid's engagement with the House of Commons. Dr. Reid complained of injustice, and demanded compensation; and it was agreed that the matter should be referred to the decision of two arbitrators, one appointed by Dr. Reid, and the other by the Government. Dr. Reid demanded compensation to the sum of 10,000*l.* in all. The arbiters, however, awarded him 3,250*l.*, and that sum was paid to him. The reference lasted no fewer than thirty days; the evidence, of which the hon. Gentleman now wished copies, covered 5,000 folio pages; and the cost of supplying those copies would be not much short of 1,000*l.* If the hon. Gentleman wished to read the evidence in question, he (Sir W. Molesworth) would afford him every facility for doing so, if he would call upon him at his office. Having said this much, he thought he need not further occupy the time of the House.

Motion *negatived.*

CLAIMS OF MR. STURGEON.

Mr. BOWYER said, that pursuant to notice, he would beg to move for a Select Committee to inquire into the claims of Mr. Edwardes (as representative of William Sturgeon) on the funds allotted by the French Government at the peace to compensate for confiscation of the property of British subjects. Between the years 1778 and 1793, Mr. Sturgeon, a British subject, expended very large sums of money, amounting in the whole to upwards of 26,000*l.*, upon the erection and stocking of a very extensive manufactory for the fabrication of porcelain and delf at Rouen, in Normandy. Mr. Sturgeon was undeniably a British subject, and in 1793 his property was confiscated by the Revolutionary Government, simply because it was that of a British subject. By the treaties of Paris of the 30th of May, 1814, and of the 20th of November, 1815, and the conventions entered into in pursuance thereof, very large sums of money were provided by the French Government for liquidating the claims of British subjects in respect of losses incurred by the confiscation of their property; and by the 59th *Geo.* III. c. 31, entitled—

> "An Act to enable certain Commissioners fully to carry into effect several conventions for liquidating claims of British subjects and others against the Government of France;"

it was provided (*inter alia*) that parties dissatisfied with the award of the Commissioners should have a right of appeal to His Majesty in Council. Mr. Sturgeon, however, was one of a number of claimants who did not present their claims to the Commissioners within the time limited by the conventions; but there was a Treasury Minute, made on the 2nd of May, 1826, to allow further time to those parties to put in their claims, and the Commissioners were thereby required to investigate those claims on the same principle in all respects as they had done those which had been preferred in due time. Under that Minute, Mr. Sturgeon's case was investigated by the Commissioners. He claimed 22,000*l.*, which, together with simple interest, computed from the time of the confiscation to the 24th of June, 1826, amounted to 43,586*l.*; the Commissioners, however, awarded him only 5,000*l.*, which sum, after the deductions of 2 per cent, as authorised by the Act of *Geo.* III. was paid to him. The reason why so small a sum was awarded to Mr. Sturgeon arose out of his inability to produce his deeds, books, and papers, which were proved before the Commissioners to have been seized and destroyed by fire during the revolution, and from the Commissioners not having given due weight to the secondary evidence produced in support of the claim. It was material to observe that the Commissioners admitted the validity of Mr. Sturgeon's claim. The question adjudicated upon by them, however, was merely that of the amount. Mr. Sturgeon remonstrated against their decision, and made several applications to the Treasury; but he failed in obtaining any legal redress, because at that time there was no right of appeal. Another Minute of the Lords of the Treasury, dated 8th of June, 1830, stated, among other things, of

> "those whose claims, not having been presented within the time limited by such convention, have been subsequently admitted to adjudication under a Minute of this Board, and have been, on adjudication, either only partially allowed or disallowed altogether." "With respect to the second class, as their admission to participate in the advantages of the convention was an act of pure bounty on the part of His Majesty, they cannot, strictly speaking, have any right to an appeal from the decision of the tribunal to which His Majesty thought fit to assign the task of distributing his bounty. But as, in admitting those parties to share in the benefits of the convention, it was my Lords' intention to admit the satisfaction of those claims, as far as they were found to be just, without any objection as to the time of their presentation, my Lords do not see any inconvenience likely to result from giving to such of them as may wish to prefer an appeal to the Privy Council against the decision of the Commissioners in their respective cases, a power to prefer that appeal, provided that such appeal be lodged within a definite period."

By a Minute of the Lords of the Treasury, dated 15th of March, 1833, it was stated—

> "The only claimants who would have had a right of appeal under the proposed Bill are those whose cases were considered under the authority of the Minute of this Board of the 2nd of May, 1826, and were disallowed, or only partially allowed, by the Commissioners. It appears, however, that the opinion of the Privy Council may probably be obtained upon these cases, which will be few in number, supposing even the whole to claim the right of having the decision of the Commissioners reviewed by that tribunal, without an Act of Parliament for that purpose."

The Minute then went on to provide that if there should ultimately turn out to be a surplus, after payment of the claims which should be admitted by the Privy Council upon appeal, the fourth class of claimants mentioned in the Minute of the 8th of June, 1830 (who were claimants in respect of losses at Bordeaux, and the subject of a distinct convention, whereby a specific and distinct sum of money, though insufficient, was provided for their satisfaction by the Government of France), should receive out of that surplus a certain portion of their demands, which the particular fund had been insufficient to satisfy. Now, what he, on the part of Mr. Sturgeon, contended was, that that money was wrongfully distributed to the Bordeaux claimants, and that it ought to have gone in satisfaction of such claims as those of Mr. Sturgeon. Besides, no notice whatever was addressed to Mr. Sturgeon, or to any person acting for him, of the liberty to appeal to the Privy Council, whilst such notice had been given to every other person similarly situated. In 1853, Mr. Edwardes, acting as the representative of Mr. Sturgeon, petitioned the Queen in Council for leave to appeal from the award of the Commissioners. The appeal was heard on the 31st of July, in the same year, and dismissed. In the course of the argument, Lord Justice Knight Bruce intimated that the Court might be willing to adjourn the case, to give the petitioner the opportunity of applying to the Lords of the Treasury to allow their Lordships to hear the case on the merits; but their Lordships ultimately decided that they had no jurisdiction to hear the appeal, being of opinion "that the merits, if any, could only be brought forward before them at the instance of the Lords of the Treasury." An application was subsequently made to the Lords of the Treasury to have the appeal heard before the Lords of the Judicial Committee of the Privy Council, but they declined to comply with it. No laches could be imputed to the petitioner. It was not till 1833 that Mr. Sturgeon had the right to appeal, and then, after the right to appeal accrued under the Treasury Minute, he had no notice of the right of appeal. In July, 1842, upon an application from Mr. Sturgeon, the Treasury answered that arrangements had been made to distribute the whole of the fund — this, in fact, amounting to an intimation that there was no money. Now, assuming that there was no money in 1842, there was, at least, money in 1833, when Mr. Sturgeon ought to have had notice, and when, if he had had notice, he would have made his appeal. It was, then, the fault of the Treasury that the petitioner had no opportunity of bringing forward his claim in 1833, when there were funds in hand to meet it. Besides, to this plea of *nulla bona* it was a very sufficient answer to say, "You have given away our money to the wrong persons"—namely, the Bordeaux claimants. The petition did not proceed in 1842, because it was not until 1850 that the petitioner was able to prove, by the discovery of a private Treasury Minute, that he had no notice of the right of appeal in 1833. The petitioner now came to that House as a last resort. From what he (Mr. Bowyer) knew of the case, he believed that the Committee which was now asked for would have a very short labour to perform, and that they would come to the conclusion that Mr. Edwardes was wronged in not being allowed to appeal, and that he ought to be allowed to appeal to the Privy Council.

CAPTAIN SCOBELL seconded the Motion, believing that reasonable ground had been shown for inquiry.

Motion made, and Question proposed,

> "That a Select Committee be appointed to inquire into the claims of Mr. Edwardes (as representative of William Sturgeon), on the funds allotted by the French Government at the Peace, to compensate for confiscation of the property of British subjects."

MR. J. WILSON said, he thought that the House ought to pause before they allowed the time of a Committee to be taken up in inquiring into a case from which there was so extremely little chance of anything practical issuing. Mr. Sturgeon was stated by the hon. and learned Gentleman to have made his claim to the Commissioners under the convention of 1815, which provided a fund for the losses of English subjects living in France during the revolution. Now, the House must recollect that that convention and fund were applicable solely to cases in which confiscation of British property had been made by the French Government. Mr. Sturgeon's claim had received the careful consideration of the Commissioners, and it was not the fact, as the hon. and learned Gentleman had stated, that the Commissioners admitted his claim; on the contrary, the Commissioners never did nor could admit it. Mr. Sturgeon declared that the whole of his property at Rouen was plundered and destroyed, and the fact was, that it had been plundered and destroyed by a common mob, and the petitioner had no claim whatever upon the fund which the Commissioners had to administer. From that day to the present Mr. Sturgeon had been unable to furnish any statement of the property he had lost, but, besides this, he (Mr. Wilson) repeated that this was a case which did not come within the meaning of the convention, and in which the Commissioners had no power to act. There was, however, no question that Mr. Sturgeon had suffered a considerable amount of loss, and in 1827 the Commissioners, looking to the whole circumstances, resolved to take into their merciful consideration the case of a gentleman of such high character and respectability; and, notwithstanding the fact that, properly speaking, he was shut out from any participation in this fund by the nature and character of his loss, they did recommend the Treasury, as a settlement in full of all demands upon them, to grant Mr. Sturgeon 5,000*l.* out of the money at their command. He would ask the House whether at this period of time, the claim having been settled in the manner which he had described, it would be wise and prudent to institute an inquiry into a question of this kind? The House must remember that this fund was now entirely exhausted, and that any claim of this nature must be satisfied out of the common taxes of the country. Under all the circumstances, he hoped the House would not agree to the appointment of this Committee to spend its time hopelessly in raising a matter which had long been settled.

MR. BOWYER, in reply, said, that the property of Mr. Sturgeon had been both confiscated and destroyed, and that the destruction of the property had taken place after the confiscation. The claim of Mr. Sturgeon was, therefore, no doubt one which came within the operation of the convention.

MR. MALINS said, he should support the proposition, and he believed that high authorities had decided in favour of the claim. With regard to the assertion, that there were no funds available, he thought that, if the fund which had existed for settling these claims had been expended for the benefit of the public, the public would not object to funds being raised to defray a just claim.

Question put.

The House *divided*:—Ayes 39; Noes 40: Majority 1.

THE SHIP "THETIS"—CAPTAIN DICKENSON'S CLAIMS.

ADMIRAL WALCOTT, in moving for a Select Committee, stated, that on December 5, 1830, H.M.S. *Thetis*, then on her passage from Rio Janeiro to England, was wrecked at Cape Frio, on the Brazilian coast, having on board treasure to the value of 810,000 dollars. The commander in chief of the station, Admiral Baker, having proceeded to the scene of the wreck, returned with the firm conviction that the freight could not be saved, nor any of the stores but such as might be drifted upon the coast. Captain Dickenson, then in command of H.M.S. *Lightning*, one of the squadron, earnestly importuned the Admiral to allow him to attempt the recovery of the treasure. The *Thetis* had been wrecked under a line of almost perpendicular cliffs, of considerable height, and exposed to the heavy swell of the South Atlantic Ocean. She had gone entirely to pieces, and, with the force of the sea, the stores and treasure were driven beneath large masses of rock, at a depth of water varying from six and a half to twelve fathoms. Admiral Baker permitted this enterprising officer to proceed to Cape Frio in the *Lightning*; no better proof can be given of his constructive talent than the fact that the diving-bell and air-pump, with other mechanical appliances, were due to his ingenuity, and that he formed an enormous derrick, twelve feet longer than the shears in Portsmouth Dockyard, from which to suspend his diving-bell, out of twenty-two fragments of the spars collected along ten miles of coast. He then commenced his work, and had raised 100,000 dollars, when he was acquainted by Admiral Baker that he had received instructions from the Admiralty, of date August 11, 1831, by which it was clearly to be understood that the public service was not to be put to any expense by the endeavour to save the treasure from the wreck of the *Thetis*, beyond the attendance of the ship employed on that service, and the use of the crew when the service of the station admitted of it. In consequence of this letter Captain Dickenson was refused the assistance of further public stores; two alternatives were thus presented—the one forthwith to abandon the enterprise, the other to prosecute it at his own risk; to his credit he chose the latter, and thus was driven to the necessity of expending a sum of nearly 700*l.* at his own cost. In the face of disease, the hazard of storms, and liability to numberless accidents, he continued his operations, by which 588,801 dollars were recovered of the merchant's treasure, and of the public stores to the value of 2,000*l.* after a trying service of fourteen months. The King's stores actually issued to the *Lightning*, and expended by her from January 1, 1831, to March 10, 1832, when the service was transferred to the *Algerine*, were, in actual value, 1,064*l.*, while the stores lost or otherwise expended amounted only to 375*l.* Many of the former, such as anchors, cables, &c., having suffered little or no wear, were reissued to the squadron. It appears that the actual amount of treasure which had been raised from the bottom of the ocean was 588,801 dollars by the *Lightning*, and about 161,000 dollars by the *Algerine*—making a total of 750,000 (of the 810,000) restored to the owners and the country under circumstances of the most forbidding difficulty, and these dollars netted the sum of 157,000*l.*, of which 54,000*l.* were awarded as salvage; but the salvors received only about 29,000*l.* —12,000*l.* having been incurred in expenses, and the Admiralty having demanded, for wages, victuals, naval stores, and wear and tear, the sum of 13,872*l.* 8*s.* 7*d.* From the foregoing statement it will be seen that the sum actually paid to the salvors, for eighteen months of perilous services, amounted to 28,200*l.*, less agents' charges. It has been shown that public stores, to the value of 2,000*l.*, had been recovered, and that the cost of the stores used amounted to 1,054*l.*; the gain, therefore, was in favour of the public. The *Lightning* had been withdrawn from the above service on occasions when required by the senior naval officer on the station, and at all times was kept prepared for any service which might have demanded her employment. The charge, therefore, for victuals and wages, amounting to 10,626*l.* 5*s.* 9*d.*, was most unfair, and the charge for naval stores and wear and tear, amounting to 3,207*l.* 2*s.* 10*d.* equally unjust, as the ship was lying at the anchorage of Cape Frio, and suffering no wear and tear at all except that which would have been incurred had she been on any other part of the station; in fact, the ships were engaged in a way conducive to the honour and credit of the country. This employment was not, in any degree, detrimental to the public interests, and they were acting in pursuance of Admiralty orders. This sum, then, of 13,833*l.* 8*s.* 7*d.* Captain Dickenson claims for himself, the officers and crews employed on this arduous service, being the salvors, as evidently no charge was contemplated by the Admiralty letter of August 11, 1831, and it was an unjust deduction when first demanded by the Admiralty in December, 1832, and actually paid on September 13, 1834, to the Treasurer of Her Majesty's Navy. In the Marine Bill, brought in last Session, the right hon. Baronet the First Lord of the Admiralty, with great justice, introduced a clause inhibitory of the advance of any Government claims for wear and tear of stores in case of salvage, or any other expenses attendant on the same. I therefore appeal to the First Lord of the Admiralty to reverse the claim of 1832, and in justice restore the 13,672*l.* 8*s.* 7*d.*, which, without precedent, as far as I am advised, were unjustly deducted from the reward and hard earnings of a very meritorious and unparalleled service. The Board of Admiralty will, by this act, redress an injustice committed in 1832, by following out the enlarged view taken in 1853, when the officers and men employed in that arduous enterprise will no longer be disheartened—no longer be smarting under a sense of wrong by what they consider to have been an arbitrary deduction. With what consistency could the right hon. Baronet the First Lord of the Admiralty answer me some evenings since, that he considered it to be inexpedient to reopen this question, because an adverse decision had been awarded by successive Boards of Admiralty, and that a limit must be set to the advancement of claims, when common right requires the redress of a wrong, only deepened by the lapse of years, to which the right hon. Baronet alluded, while he himself, by his clause in 1853, has openly acknowledged that he considered such a charge, in cases of salvage, contrary to justice? I would earnestly impress upon the House that I ask for no grant of public money for past services, but am merely making a renewed application for the repayment of money unjustly deducted from energetic officers and men, and paid over to the account of the Treasurer of the Navy on a claim which I—and I think the House will agree with me—have shown to have been utterly destitute of foundation. I am sensible of the indulgence with which the House has listened to the statement I have made in submitting this Motion for a Select Committee, and I can assure hon. Members that no circumstance less than an enthusiastic love for my profession, and the firm conviction that I advance a claim of stern justice, would have induced me to have undertaken a duty I so imperfectly have performed.

SIR GEORGE TYLER said, he would second the Motion, as he believed that a case could be made out which required justice to be done. The zeal, ability, and ingenuity of Captain Dickenson had tended to save the sum of 157,000*l.*, and it could be shown before the Select Committee, if the House should accede to the proposal of his hon. and gallant Friend, how great that zeal and ability had been. The Admiralty had made a large deduction from the amount awarded to the salvors, on account of the wear and tear of the ships employed in the service, and the wages of the men; but the whole of the operations had been conducted with the consent of the commanding officer on the station, and the ships were ships employed on the station, and therefore their crews would have had to be paid whether these services had been performed or not. He, therefore, trusted that the House would grant the Committee asked for by his hon. and gallant Friend.

Motion made, and Question proposed,

"That a Select Committee be appointed, to inquire into the Claims of Captain Dickenson, R.N., on behalf of himself, the Officers, and Crews of Her Majesty's Vessels employed on the subject of Salvage, &c., connected with the recovery of Treasure in the Wreck of Her Majesty's Ship *Thetis*, off Cape Frio, on the Coast of Brazil."

SIR JAMES GRAHAM said, he felt convinced that he needed not to assure the gallant Admirals, the mover and seconder of the proposal before the House, that he gave them full credit for the motives which had led them to bring this subject before the House, and also that, if he could agree with them as to the justice of the claim, he would be the last person to oppose the Motion; but he was bound to say, that he had come to a conclusion different to that which had been arrived at by the hon. and gallant Admirals. The subject was by no means a new one, for he had first become acquainted with it some twenty-three years ago, and as to the facts of the case there was no dispute. The *Thetis*, having on board a large amount of treasure belonging to merchants, was lost, under circumstances in which accident was more or less mingled; but, at the same time, in the opinion of the Board of Admiralty of that day, there had been considerable, if not culpable, neglect. The Admiralty, feeling that there had been a great amount of loss incurred by private persons on account, to a certain extent, of the conduct of their officer, thought it right to consent to the unusual course of allowing the few ships on the station to be employed in attempting to recover the treasure; but, contrary to the expectation of the Board of Admiralty, fourteen months had been occupied in the task. He did not mean to speak in a tone disparaging to the exertions of Captain Dickenson on that occasion, and, as he had stated, he had acted under the consent of the Board of Admiralty; but it had been decided, after these ships had been employed upon so unusual a service for the space of fourteen months, to place a check upon their being further employed, by making a deduction for the wear and tear of the ships and boats, which had been very considerable. Various suits had been instituted by the salvors against the deduction made by the Board of Admiralty, and they had all been defeated, and he wished to remind the hon. and gallant Admiral, that the deduction to be made was not fixed by the Board of Admiralty, but by the Admiralty Court, after a full and careful consideration of the facts of the case. He was of opinion, that if the money ought to be paid, Captain Dickenson ought not to receive one farthing of the money, and that if any one was entitled to the money, it was the merchants whose treasure had been lost. What he had stated on a former occasion, that, after the case had been frequently decided, some limit ought to be put to these claims, he could only now repeat, and on this particular question there had been repeated decisions. Under the law, Captain Dickenson had not a shadow of claim to this 13,800*l.* If it were a question at all—though he denied that it was—the question lay between the Government and the parties whose treasure was lost; and, therefore, entertaining these opinions deliberately and decidedly, he could see no necessity whatever in instituting any further inquiry. The facts were clear, and investigation had already taken place, and consequently, though feeling the highest respect for Captain Dickenson, who, in an honourable position at Greenwich Hospital, enjoyed the reward of his past services, he felt bound to resist the Motion.

Sir GEORGE PECHELL said, he entirely disagreed with the right hon. Baronet, who thought that this was a question between the Government and the merchants. He regarded the case as one requiring investigation. It was all very well to say that Captain Dickenson was housed at Greenwich Hospital; but in that position he was placed for his general services, and not for exertions made in the *Lightning*, in reference to this particular transaction.

Captain SCOBELL said, that the performances of the *Lightning*, her captain, and crew, in bringing up this treasure from a great depth, were the admiration of the whole Navy at the time. He thought the House ought to decide in favour of the Motion, in order that a Committee might see whether there was not justice in this claim. As to the gallant officer being in Greenwich Hospital, he trusted that that circumstance would constitute a title to consideration rather than otherwise. The gallant officer was there because he was old and worn out in Her Majesty's service, and not because he was commander of the *Lightning*.

Admiral BERKELEY said, that having considered this case more than once, he had come to the conclusion that Captain Dickenson had no claim. He did not mean to detract from Captain Dickenson's merits, for he concurred in everything that had been said with respect to them, but he was bound by the law as laid down, and the Judge himself informed Captain Dickenson that the money was not his, but the salvor's, if anybody's.

Mr. WILKINSON said, he considered that no sufficient ground had been shown for conceding the Motion, besides which, he deprecated the growing habit of making that House a court of appeal against the decisions of the ordinary tribunals of the country.

Admrial WALCOTT: I am happily persuaded that nothing which has fallen from the right hon. Baronet the First Lord of the Admiralty, or from the gallant Admiral the Member for Gloucester, has tended in the slightest degree to weaken the impression of the statement made by me. The right hon. Baronet has repeated that successive Boards of Admiralty and Treasury have decided against the claim I advance, and the gallant Admiral has adduced an opinion to the same import as held by the late Sir Thomas Hardy when at the Admiralty. I therefore, with the permission of the House, will read a letter addressed to Captain Dickenson by Admiral Sir Charles Napier, then a Member of this House, in contradistinction to the foregoing statements.

"July 28, 1842.

"My dear Sir—I have much pleasure in informing you that your claim is favourably looked upon both by the Admiralty and Treasury. I have spoken about it to Sir George Clerk, and I last night mentioned it publicly in the House.

Yours truly, "Charles Napier."

The Court of Admiralty may, for aught I know to the contrary, have admitted the demand made by the Admiralty, but this I right well know, that on the appeal to the Privy Council a very different view was taken. In this there can be no dispute, that the efforts made to recover the treasure were marvellous in their origin and successful in their results—that of 810,000 dollars hopelessly sunk in the ocean, 750,000 were recovered, and the human being lives not who, in justice, could deny the fair claim to one-third part of that amount to the salvors. As to the underwriters they were most essentially benefited, for at one time the depreciation was to the extent of 75 per cent, and certain I am, did not party prevail, I should be followed into the lobby by almost every hon. Member now in the House.

Question put.

The House *divided* :—Ayes 40; Noes 41: Majority 1.

SLOOP "STAR"—COMMANDER F. P. WARREN.

Mr. W. WILLIAMS said, the return for which he was going to move was one of considerable importance as regarded the management and discipline of Her Majesty's Navy. He was induced to bring forward his Motion in consequence of a statement which had appeared in the public papers giving an account of certain cases of flogging and cruelty on board Her Majesty's sloop *Star*, commanded by Commander Warren. It was said that nearly all the crew of the *Star* had been flogged, that many petty officers had been disrated to able seamen in order that they might be put in a position to be flogged, and that a considerable number of able seamen had been reduced to ordinary seamen. He, on a former occasion, asked the right hon. Baronet the First Lord of the Admiralty, whether the statement was correct or not, when the right hon. Baronet said that only a few punishments had taken place on board the *Star*, and that those punishments were inflicted in a case where some seamen had stolen a cask of wine and got drunk upon it. He (Mr. Williams) had since that statement received a communication from the crew of the *Star*, and they indignantly denied the charge, and he was sure the right hon. Baronet had been deceived. He would place his information against the information of the right hon. Baronet, and was ready to go into an inquiry with perfect confidence of being able to show that the right hon. Baronet had been entirely misled. The right hon. Baronet had refused to give the return asked for by the Motion, upon the pretence that the House of Commons was not a fit place for having anything to do with either the discipline or the management of Her Majesty's Navy. The House of Commons had done more for the Navy and the Army than any Board of Admiralty or any Commander in Chief had ever done, by exposing the cruelties that had been practised in both services. What was the consequence? The practice in the Army was to inflict 1,000 lashes. That was the maximum punishment, and it was contended that they could not inflict a single lash less without bringing the Army into a state of insubordination. Well, a Motion was made for abolishing flogging in the Army, and what followed? Why, the Duke of Wellington reduced the number of lashes from 1,000 down to fifty. That was done entirely in deference to the opinion of the House of Commons. It was just the same with respect to the Navy. 1,000 lashes was the punishment in the Navy, and these were inflicted with a cruelty that would disgrace a cannibal. Well, he himself brought forward and exposed cases of cruelty in the naval service over and over again; and what had been the consequence? Why, the punishment had been brought down to forty-eight lashes in the Navy. According to returns presented to the House, the number of men flogged in the Army in 1845 and the first six months of 1846, was 341, who received 38,500 lashes, being an average of 112 lashes to each man; the number of men flogged in the year 1852 was forty-five, who received 1,900 lashes, being an average of not quite forty-six lashes to each man. In that same year there were 101 regiments in which not a single stroke on the back of any man was inflicted. In the Navy, in 1842, 2,107 men were punished, who received 71,024 lashes; in 1852, only 578 men were flogged, who received 17,500 lashes. Why did the right hon. Baronet refuse to give the return he asked for? Did he mean to say that, after the House had placed in his hands 13,000,000*l.* to expend on the Navy, and that without a single word of objection, they were not entitled to the information that return would give? If the statement made respecting the *Star* was correct, great mismanagement must have taken place, and the House ought to be informed of it. But the right hon. Baronet at last thought fit to remove Commander Warren from the *Star*. What did the crew say? They said they were ready to shed their blood in the service of their Queen, but they objected to have their blood shed by the cat-o'-nine-tails by this Commander Warren. He was not surprised that the Government should have removed that man from his ship, for many desertions had taken place in consequence of his treatment of the crew. And what were the crimes for which these brave men were flogged? He had a list of some of them, among which were "telling untruths," "foul language," "disrespect," "insolence," "fighting," "quarrelling," "irregularity," "bad language," "smoking at his post," "absent without leave," and "negligence;" these were the sort of crimes for which these noble fellows had their flesh torn from their bones. It was a disgrace to the country and to the age. There was no flogging in the French army or the French navy. Our fleets and our armies were now joined with the fleets and armies of France, and what must the French think of us when they heard the groans of brave men when suffering under the lash? They must look upon us as degraded beings. He was quite convinced the sympathy of the House would be against the system, and would support him in the Motion he now begged to submit to the Chair.

SIR JOSHUA WALMSLEY seconded the Motion.

Motion made, and Question proposed,

"That there be laid before this House, a Return of the number of Petty Officers, Seamen, and Marines, respectively, who were flogged on board Her Majesty's sloop *Star*, while under the command of Commander F. P. Warren, stating the alleged offence, the number of lashes inflicted on each, the number who were flogged more than once, and the number of lashes inflicted in each flogging; also, the number of Petty Officers disrated, and of Able Seamen reduced to Ordinaries."

Sir JAMES GRAHAM said, he had thought that he was under some obligation to the hon. Gentleman the Member for Lambeth on account of the courtesy which had induced him on more than one occasion, at his (Sir J. Graham's) request, to postpone this Motion, and he had not been slow in thanking him for that attention to his request. But he certainly had hoped that the delay would have led the hon. Gentleman to make a dispassionate statement, and that he would have made that statement, when calling for inquiry, perfectly accurate. He would not go through the various cases which the hon. Gentleman had introduced into his statement. The hon. Gentleman had said that there was a time when 1,000 lashes were inflicted in the Navy. He (Sir J. Graham) denied the accuracy of that statement altogether. The hon. Gentleman had also stated that 13,000,000*l.* had been placed at the disposal of the Board of Admiralty. Now, the hon. Gentleman might be excused in a matter long since past; but he certainly ought to be accurate as to a circumstance which took place during the present Session of Parliament; but 13,000,000*l.* was not the amount. Then, the hon. Gentleman hinted, that there was a fondness on the part of the Board of Admiralty for corporal punishment. So far from that being a correct state of the case, the Board of Admiralty was against corporal punishment in every case where it was possible to be dispensed with. The very statement which the hon. Gentleman had adduced proved the fact, for he had shown that within the last twelve years, so far from any fondness having been evinced for that kind of punishment, there had been a constant disuse of it, both in the Army and the Navy, so that that species of punishment had, within a few years, been brought down to a smaller amount than was ever known at any former time. Then the hon. Member wished to be informed what number of petty officers, seamen, and marines were flogged on board Her Majesty's sloop the *Star;* and yet the hon. Gentleman himself stated that a petty officer could not be flogged. The terms of his Motion would, however, lead the public to believe that that punishment could be inflicted on them. The hon. Gentleman then said—taking credit to himself, which he (Sir J. Graham) was not desirous of denying to him—that in consequence of some question which he brought before the House, the Board of Admiralty had instituted an inquiry into the case of the *Star.* So far from that being the fact, however, an inquiry was instituted by the Board into that case before the hon. Gentleman's question was put. Again, the hon. Gentleman said, that in consequence of that inquiry, which he imagined was instituted by reason of his question—which he (Sir J. Graham) denied—Commander Warren was removed by the Board of Admiralty from the command of the *Star.* Now, Commander Warren was not removed at all. He was not removed from the command of that ship. On the contrary, the Board of Admiralty was prepared to allow Commander Warren to go out in command of the ship *Star*, and it was only in consequence of his own solicitation, on account of ill health, that he was not now in command of that ship. The hon. Gentleman further stated, that there was a great unwillingness on the part of the crew to serve under Commander Warren; whereas, the fact was, that two-thirds of the crew had expressed their perfect willingness to go with him to any part of the world. The hon. Gentleman also added, that numerous desertions had taken place from the ship. He would not speak positively, but his belief was, that not more than two desertions from the ship had occurred since what had taken place in that House on the subject. But, on the last occasion, he (Sir J. Graham) had to appeal to the House against instituting itself into a tribunal, or court of review, in reference to the decisions of the lawfully constituted authorities on the subject of the discipline of the Navy, and he then stated that it was not usual for that House, on ordinary occasions, to institute itself into such a tribunal. The hon. Gentleman had referred to a private conversation held between himself and the hon. Gentleman, in which he (Sir J. Graham) stated his objection to the case being brought before the House. He (Sir J. Graham) had not come prepared to hear the hon. Gentleman state to the House the substance of a private conversation; but, nevertheless, publicly he was ready to repeat what he had said privately to the hon. Gentleman. The hon. Gentleman must have misunderstood him, if he thought he had said, that it was not one of the functions, nor the high privilege of the House of Commons, to lay down principles for the guidance of the Executive in every branch of the Government. If the House of Commons should lay down the principle, that corporal punishment should cease in the Navy, then, though he might demur altogether from such a decision, still, if it were deliberately pronounced, after debate, by a full House, his decided opinion was, that the Executive must yield to that decision. But, on the other hand, if, in anything, in laying down a principle for the guidance of the Executive, the House should interfere with the authority of the Executive in matters of discipline and regulation, his opinion was, that it would be fatal both to the Army and to the Navy. In this particular case of the *Star*, an inquiry was first instituted by the Board of Admiralty; an eminent naval officer was directed to investigate the case, and it was afterwards referred to another, who fully reported on the facts. That Report was carefully considered at the Board of Admiralty, at which were present himself, three admirals, and one naval captain, and they all came to the conclusion that there had been indiscretion and misconduct on the part of the commanding officer, but not of such a character as subjected him either to be tried by court martial, or to be superseded. The commander had the opinion of the Board read to him, and he was then admonished to be more careful in future. With respect to the crew, it was shown that there had been much want of discipline, much insubordination and drunkenness among them. It was true, that at Rio de Janeiro, four men had been flogged on one occasion, and, although the hon. Gentleman had denied the statement, he (Sir J. Graham) would repeat that those punishments arose out of the circumstance that a cask of wine was broken open, and that four sailors were drunk and grossly insubordinate on that occasion. They were accordingly punished, and, in his opinion, were properly punished. Similar cases of insubordination and intemperance were on other occasions punished, but it was a gross exaggeration to say that two-thirds of the crew had been punished. It was quite erroneous to say that petty officers had received corporal punishment on board that ship. He should be very sorry if the House, in a matter of discipline which had been carefully reviewed by the proper authorities, should erect itself into a tribunal or court of appeal in this special case. If the House should desire that corporal punishment should not be inflicted in any case, he hoped that they would at least allow that justice had been administered in a merciful manner by the Executive, and that they would not do anything that would tend to weaken that authority which was absolutely necessary for the maintenance of order, discipline, and subordination in the Navy. He, for one, was fully aware that corporal punishment was most painful either to witness or to inflict. As he had already stated, the cases in which it was inflicted were very few, but it was absolutely necessary, when a vast body of men were congregated in a narrow space under circumstances so peculiar, that, in order that authority might be upheld in the hands of one man, punishment must be brief and decisive. At the same time, that authority was so limited that it could hardly be abused without detection; for, as he had on a former occasion stated to the House, that although the service required prompt punishment, yet the rule was, that corporal punishment should not be inflicted till after the lapse of twenty-four hours—that there should be a warrant for the execution of the punishment in which the facts of the case justifying its infliction should be recorded, which warrant should be transmitted to the Board of Admiralty. Each case was submitted to the Board, and he was sure the House would not believe that the Board of Admiralty was so wanting in feeling and humanity as not to look into, or that there was any disposition on their part against looking into, all these cases. He could assure the House it was a most painful duty, but he trusted that it was a duty which, for the honour of the laws and for the safety of this country, more especially in a time of war, the Executive would never neglect faithfully to discharge. He hoped, therefore, the House, on the whole, would be content with the statement he had made, and not agree to the Motion, nor interfere with the arrangements which the Board of Admiralty had already effected. The ship had gone to a distant station, and the matter was at an end.

MR. HEYWORTH said, he was led to believe, from a letter of Admiral Dundas, which he had seen, that the best way of abolishing flogging would be to discontinue the supply of rum in the Navy. Sir John Ross had found that he could do very well without it in the Arctic regions.

MR. W. WILLIAMS, in reply, said, the right hon. Baronet the First Lord of the Admiralty, instead of meeting the question, had had recourse to special pleading. He (Mr. W. Williams) knew that petty officers, as such, could not be flogged; but the moment they were disrated they could be flogged, and this had been done for the purpose. He did not ask for any change in the discipline of the Navy; all he wanted was a statement of the extent of punishment in the *Star*. The right hon. Baronet said that Commander Warren had not been removed; but he had requested that this Motion might be postponed until the Admiralty had determined what should be done, and he understood him to say that Commander Warren had been removed.

SIR JAMES GRAHAM: I did not say that; I said he had resigned.

MR. W. WILLIAMS said, that was merely a gentle way of letting him down.

ADMIRAL BERKELEY said, he must deny that any petty officer had been disrated for the purpose of being flogged. Such a course would be contrary to the rules of the service.

Motion, by leave, *withdrawn.*

PRINTING (HOUSES OF PARLIAMENT, &c.).

MR. J. GREENE said, he begged to move for a Select Committee to consider the most efficient mode of providing for the printing required for the Houses of Parliament and the public service. There were at present two modes of supplying this printing work—namely, one under the control of the Stationery Office and the other by what were termed the Parliamentary printers, who received 20 per cent for printing Parliamentary papers. He thought it right the printing and stationery of the House of Parliament should be placed under the surveillance of the House itself, seeing that they amounted to some 80,000*l.* a year. He had no doubt a saving of 40,000*l.* annually could be effected under these heads. He did not speak without information on the subject, as he had embarked much money in a printing speculation some time since, which, had it been supported, would have resulted in cheapening, as well as facilitating, the art of printing, which was now very imperfectly understood by the great bulk of society, and even by men who had large capitals embarked in the business. By the system to which he was referring, he undertook to demonstrate that no less than 6,000 letters could be composed in a hour, whereas only 1,000 could be composed at present. He undertook to demonstrate that that which now cost a shilling, could be done under the new system for one farthing. In fact, the 5,000 letters which now went to make what was called a "galley," could be composed or "set up" under this system at a charge of 7½*d.*, though the cost of such at present was 3*s.* 10*d.* These were not mere assertions; he should demonstrate them, and that the saving would be some 40,000*l.* a year, which, in a time of war, with taxation pressing heavily on the community, ought not to be overlooked. He undertook to give the Foreign Office a good and useful printing office, which it had not at present, and also to ensure them a system which, on occasions requiring confidence, could be managed by their confidential clerks, who would be enabled to compose and print confidential communications, in any language, in the briefest possible time, and at the least possible expense to the country. He (Mr. Greene) was not anxious to have anything to do with the composition of the Committee; let Her Majesty's Government nominate it, and he would be ready to carry his statements into proof. He, therefore, thought he was not asking too much at present, when the result was certain to be the demonstration of economy, simplification, and expedition in the printing department of both Houses of Parliament.

SIR JOSHUA WALMSLEY seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed, to consider the cheapest, most expeditious, and most efficient mode of providing for the Printing required for the Houses of Parliament and the Public Service."

THE CHANCELLOR OF THE EXCHEQUER said, the question was one of very great importance, involving considerations much more serious than those already brought under the notice of the House. There were, in fact, two questions before the House of an entirely different character. The first was, as to the printing required for the Government and Houses of Parliament, and whether it was performed in the best manner. Now, as respected the printing done for the Government, he (the Chancellor of the Exchequer) of course, could not speak of that limited part which was of a most confidential character, and which could not be considered on ordinary mercantile principles. But with respect to the ordinary printing of the Government, as far as he was aware, he believed the best arrangements which the market permitted were made for that purpose. As regarded the printing of Parliamentary papers, he (the Chancellor of the Exchequer) was not informed, but he had every disposition to believe that considerable economy could be effected. However, it was not a matter that belonged to the Executive Government to consider; but his belief was that if a Committee were appointed very considerable advantage might be expected to result, as he had no doubt that portion of the public service might be more advantageously and economically performed than at present. Having arrived at that opinion, he should think it but right to act upon it on the proper occasion. At present he did not think there would be any advantage in appointing a Committee to inquire into the subject. The Session had now arrived at a period so advanced that it was plain no Select Committee could make progress with so important a question in the time that yet remained before the Session terminated. However, it was a question of time, and should be considered of during the recess. But even if the Government should not move in the matter, he (the Chancellor of the Exchequer) should be glad to see the House undertake an inquiry into a matter so entirely within its own control and cognisance. However, he believed the Motion of the hon. Gentleman raised other considerations—considerations of delicacy and difficulty, of which, perhaps, he was not aware. The hon. Gentleman was himself interested in a trading enterprise of great importance, which, according to his own representation, tended to economy and expedition in the important process of printing.

MR. J. GREENE said, he begged to state that he formerly was interested in the matter, and had embarked a large sum of money; but that he was not pecuniarily interested at present.

THE CHANCELLOR OF THE EXCHEQUER said, he certainly inferred, from the hon. Gentleman's previous statement, that he had an interest in the proceeds of that money so embarked. If that were so, that consideration of itself would, in his opinion, raise many subjects for doubt as to why a Committee of Inquiry should be sanctioned by that House, on the Motion of the hon. Gentleman. The House would require to exercise great caution before appointing such an instrument of inquiry into the enterprises of a commercial character, in which one of its own Members had a pecuniary interest, and in which the apparent object was to turn the discovery to such purpose that it might be employed by himself. Even if such were not the case, there were other grounds on which it would not be possible to accede to this Motion. The hon. Gentleman called the attention of the House to the application of a new mechanical process in the art of printing, the effect of which would be to reduce the expense of setting up a galley of 5,000 letters from 3*s.* 10*d.* to 7½*d.*; as also to simplify and expedite the art of printing generally. The question then resolved itself into this, whether it was a fit matter for that House to undertake to determine upon the comparative excellence and cheapness of different mechanical processes, or to leave the question to the open market, where the capital and enterprise of the country afforded a better means than that House possessed of deciding the matter? They were on secure ground in going into the open market for the best and cheapest; but they would be on dangerous ground if they, the stewards of the public money, undertook to examine into these matters, and to decide which was the best and cheapest, in defiance of the judgment of those engaged in trade, and who speculated on improvements of that description. Ought not the proprietors of the morning newspapers to take an interest in a system which would reduce the expenses of printing from 1*s.* to a farthing, as also accomplish in an hour what now required six hours? There might be something of a spirit of monopoly in the present system of printing; but if the valuable invention referred to by the hon. Gentleman combined all these advantages of time, economy, and a reduction of expenditure of some 4,800 per cent, why had it not been availed of sooner? It would be wrong, in his opinion, to make that House an organ for experimenting on questions of the kind. He (the Chancellor of the Exchequer) did not undervalue the statement of the hon. Gentleman; and, if the attention of the trade had not been previously directed to the subject, he felt glad an opportunity was afforded the hon. Gentleman of submitting his statement to the House. If the hon. Member could do as he alleged, he would be a greater benefactor to mankind than Faust and Guttenberg, and bronze statues would soon be raised in his honour. In conclusion, he wished it to be understood that the Government were most desirous to adopt any plan by which the Government printing would be more economically performed. If any hon. Member was interested in the pecuniary result of an enterprise of this kind, it was a serious matter for him and for the House to consider how far they would be justified in granting an inquiry of this kind. He hoped the House would not accede to the Motion of the hon. Member.

Mr. OTWAY said, he agreed with the right hon. Gentleman the Chancellor of the Exchequer that in any affair of this nature, if a Member had a pecuniary interest, it was matter for grave consideration whether he should in any way possess the advantage of the sanction of that House upon his undertaking; but he thought that when such an important saving was in question an inquiry should be conceded.

Mr. GEACH said, he perfectly concurred in the principles laid down by the Chancellor of the Exchequer for the guidance of that House, but he could not see what distinction there was between the case of printing and that of the manufacture of small arms. The right hon. Gentleman had stood up in that House on a former occasion to advocate the Government's becoming manufacturers of arms on a very large scale instead of going to the public market, where the means of producing arms were as extensive as the means of executing printing. He hoped the Report of the Committee of which he (Mr. Geach) was a Member would prevent the right hon. Gentleman from persevering in the course on which he had entered. With regard to the Motion, he entirely agreed with the right hon. Gentleman that it was not desirable for the Government to undertake what was proposed by the hon. Member for Kilkenny. He could not help remarking, however, that he believed that, if the invention for perforating postage stamps had not been referred to a Committee of that House, it would never have been adopted. He was satisfied that a much larger saving might be effected in the printing of postage labels; but in almost all the Government offices there were people holding permanent appointments who were obstructive of anything like improvement; and it required a Committee of that House, composed of persons who were accustomed to business, and who would not be put aside by a mere statement of difficulties, to do anything effectual. He hoped that next Session the right hon. Gentleman would call in the assistance of a Committee with regard to Government printing and avail himself of the services of Members of practical experience.

Mr. J. WILSON said, the hon. Member who had last addressed the House having alluded to the manufacture of small arms, he begged to inform him that the Government had carried on the manufacture of small arms for many years; but with reference to the case alluded to, he was prepared to say that if they could have found fifty or sixty manufacturers of them upon improved principles, they never should have thought of turning manufacturers themselves. The only reason why the Government thought of undertaking the duty was, the difficulty of finding persons willing and competent to perform the work they required to be done. The hon. Gentleman (Mr. Geach) expressed an opinion that the Treasury were willing to promote economy in every branch of expenditure, but that there were permanent officers in every department who obstructed all improvement. He could not assent to this statement. He was bound to say that it was not the fault of the Treasury that inquiry had not been made into the expense of public printing before. More than a year ago Mr. M'Culloch and Sir Charles Trevelyan pressed the subject upon his attention, but, owing to the pressure of Parliamentary business, it had been found impossible hitherto to take it up. He had, however, given preliminary instructions for a thorough investigation during the recess, and if the subject should not be concluded during the recess, then there would be no objection to a Parliamentary Committee.

Mr. APSLEY PELLATT said, it was his opinion that economy would be materially promoted by the appointment of a Committee; and he hoped the inquiry would be taken up in earnest at an early period next Session.

Mr. J. D. FITZGERALD said, he must complain that the right hon. Gentleman the Chancellor of the Exchequer had treated the subject derisively, and that he had not given sufficient care to the main subject of discussion. Attention had been called to a mechanical contrivance by a person of great scientific skill, to which his hon. Friend (Mr. J. Greene) had lent aid by supplying funds to work it out, and the result of which would produce enormous improvement in the art of printing. His hon. Friend had pledged himself to establish this fact to the satisfaction of the Committee. When a Member of that House made such a statement, he contended that it was deserving attention. The printing for the two Houses of Parliament cost, he believed, 120,000*l.* a year, and his hon. Friend said he could effect a saving of one-half. He (Mr. FitzGerald), therefore, submitted that this was a matter well worthy of inquiry. Besides, he urged that the invention, if practicable, would be found to produce the greatest effects upon education. He had seen the contrivance himself, and certainly it appeared to be of great simplicity. He should support the Motion.

MR. VERNON SMITH said, that if the hon. Member who had brought forward this Motion had confined himself strictly to the terms of it, there might have been no great objection to it; but he had very candidly stated that his object in obtaining the Committee was to discuss the merits of a particular patent. Upon this point, however, he thought that the answer of the Chancellor of the Exchequer had been complete. It was not the duty of that House to inquire into the merit of a particular patent, because, if it were available for anything, no doubt it would be taken up by the trade to whom the House offered its printing for competition. There could be no question that the general expense of printing for that House was excessive and might be curtailed, but this was very much owing to the enormous amount of returns which were moved for. An hon. Gentleman, or one of his constituents, thought that a particular matter ought to be inquired into, and he forthwith moved for what was called an unopposed return; that was to say, he went to the Secretary of the Treasury, and said, "If you will not give me this I shall make a Motion, perhaps occupy the whole evening and prevent going into Supply." The Secretary of the Treasury, whose duty it was to expedite business, was of course driven to say, "Well, then, take your unopposed return." The fact was, that accounts and descriptions of everything under the sun were printed for that House under the name of unopposed returns, and this it was that occasioned the great expense of printing.

LORD NAAS said, he must protest against the doctrine that under no circumstances was a patent a fit subject for inquiry by a Committee of that House. On the contrary, he held, if any hon. Member made out a case showing that a patent might be turned to the public advantage, that it was the duty of that House to inquire into it. He would remind hon. Members that some years ago a Committee of Inquiry into the postal communication with Australia entered into the whole question of the screw as a propeller moved by steam; and he believed that the appearance of the screw was materially encouraged by the investigations of that Committee. The Committee now proposed might, it seemed to him, produce somewhat analogous benefits, and he believed it would, for having seen the invention in question, he must say it appeared to him one of a valuable public character.

MR. LUCAS said, he should support the Motion. The proposal of his hon. Friend (Mr. J. Greene) did not rest upon the merits of the invention, but upon the existence of an abuse admitted by the Treasury. He had had some little experience in printing himself, and, therefore, he might safely assure the House that the invention recommended by his hon. Friend embodied improvements of the most ingenious and admirable character. And although he would not venture upon any prophecies as to its ultimate success, yet he felt sure that there never was a system that more fully justified inquiry and examination than that brought forward this evening.

MR. HADFIELD said, he considered the proposed inquiry to be invaluable; and though it might not be brought to a close that Session, yet the House would, by consenting to the Motion, be laying the foundation for a complete investigation next year. As far as regarded the merits of the invention itself, all he would say was, that the Bible Society, a body well calculated to speak upon such a subject, were enamoured with the project.

LORD SEYMOUR said, he felt it his duty to oppose the Motion, and for the reason that he did not think the House of Commons ought to be made the channel for advertising inventions. On more than one occasion the House of Commons had been found puffing schemes which traders would not take up, and when they had been finally rejected as useless, the inventors had come down upon them for compensation. They had lately an instance of that in the case of postage stamps. And how did that end? Why, in the House of Commons having to pay 4,000*l.*, and their being made the laughing-stock of the commercial community. The hon. Member for Meath (Mr. Lucas) spoke much on the excellence of this invention; then let him try it himself. Was he not a proprietor of a newspaper? And when he succeeded in realising his theories, it would be quite time enough for the House of Commons to take them up. They were told also that the Bible Society entertained a high idea of the project, and that it was admirably adapted for their purposes. Then let the Society carry it into effect. The Bible Society required a great deal of printing to be done, and at a cheap rate; they were, therefore, the best persons to test the experiment. No doubt the House of Commons might print a great deal too much, and considerable reformation was needed on that head, but at that period of the Session it would be ridiculous to set about an investigation of that kind, and he should, therefore, strongly oppose the Motion.

Mr. J. GREENE, in reply, said, he must deny that it was possible for private individuals to test the value of the experiment equally well with the House of Commons. The Treasury themselves had admitted the great necessity of reform in this branch of the public expenditure, and as no steps had been taken to remedy the evil it was evidently not safe to leave the matter in their hands.

Question put.

The House *divided*:—Ayes 56; Noes 32: Majority 24.

IRISH LOAN FUND SOCIETIES.

Mr. POLLARD-URQUHART moved for a Select Committee to inquire into the management of the Loan Fund Societies in Ireland. He begged to call attention to two Acts of Parliament, passed respectively in the years 1836 and 1843, for the regulation and management of those societies which were placed under the control of a Loan Fund Board, and certainly these enactments seemed to be sufficient for the security of the money that was lent. His attention having been called to the circumstances of two loan fund societies in the county he represented, he had looked to the abstract of accounts transmitted to Parliament, pursuant to the Acts to which he had referred, and they seemed fair enough so far as they went; but they were so exceedingly meagre, as to leave great room for imposition. He afterwards attended at the loan fund office, to look more particularly into the accounts, and he found that the figures in several columns were exceedingly garbled. It appeared that some of the persons who had borrowed money from them were men of straw, or had gone to America, and that the persons who professed to be their securities were not to be found. It appeared, also, that a great part of what had been paid off by the borrowers was never actually stated to have been paid off, and no doubt there had been dishonesty in some instances on the part of the clerks, and most culpable negligence in other instances. The result was, that the treasurer, out of his own private resources, had to refund a portion of the money to the poor people, who received a dividend of 8*s.* in the pound. He thought that, for the sake of similar societies still remaining in Ireland, they should ascertain the amount of security in existence, and what amount of security the Government could force the treasurer to give.

Mr. FAGAN seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the management of the Loan Fund Societies in Ireland."

Sir JOHN YOUNG said, he thought there could be no objection to the appointment of a Select Committee, as proposed by the hon. Gentleman; but it was not a question, strictly speaking, in which the Government had anything to do. Many years ago, persons who were in the habit of lending small sums of money to the industrious poor, thought it would be a good thing to obtain facilities for the recovery of those sums, and Acts of Parliament were passed for the purpose, but no Government security was given. A great many persons, at the time those Acts of Parliament were passed, entertained great doubts as to the policy of them, and whether in reality those charitable institutions would be of advantage to the industrious poor; and if doubts were entertained when those Acts were passed, it appeared, from experience, that nothing could be more prejudicial to the interests of the poor than those loan funds; but other persons entertained different opinions. According to this loan fund system, it was impossible to avoid making bad debts. A sum of money was borrowed at five per cent, and lent out at nine per cent, leaving only four per cent for the payment of expenses and the covering of bad debts. They, consequently, found it necessary to keep the money always out on loan, and when they could not get good borrowers they must take bad ones, and in many of them bad debts were contracted where there was the greatest vigilance and accuracy of management. But in the two loan fund societies to which the hon. Gentleman had referred, there was no accuracy at all. The gentleman who had the management lost about 550*l.*, and the debenture holders were also losers, but there was a severe loss inflicted on the gentleman to whom he referred, who seemed to be perfectly single minded, and to have been actuated by the most charitable motives. In conclusion, he begged to say, that there was no objection to the appointment of the Committee.

Mr. FRENCH said, that in 1831 a Bill was brought in by him to limit the interest paid upon the contributions to five per cent, the surplus (if any) to go to charitable purposes. Under that system 17,000*l.* was paid over to charitable objects in one year, and the system went on satisfactorily until the famine in 1847. He thought the Government had acted wisely in granting the Committee.

Mr. F. SCULLY said, he concurred in the propriety of appointing the Committee, but he thought it well to consider how far the Loan Fund Board could be placed on a more satisfactory footing.

Motion *agreed to.*

TICKET-OF-LEAVE SYSTEM.

Lord NAAS said, he would now move for

> "Copies of Correspondence that had taken place between the Irish Government and the magistrates of the county of Donegal, relative to the liberation on ticket of leave of Miles Sweeny, a man convicted of a Ribbon offence in 1851."

He begged to assure the right hon. Gentleman the Secretary for Ireland, that in making this Motion he did not intend the slightest hostility to the Government; but he thought it desirable at the outset of a new system that the public should know the exact principle upon which those tickets of leave were given. The circumstances to which he was about to allude happened in a remote district in Ireland, and occasioned a considerable degree of alarm amongst the magistrates and the well-disposed inhabitants of the particular county in which the event occurred. It appeared that a man of the name of Miles Sweeny had been convicted in 1851 of an agrarian offence. In about two and a half years afterwards this man was released, and sent back to the same district in which it was found he had pursued a most lawless course. Many years ago Sweeny's father was evicted from his farm. Sweeny then occupied a cottage in the neighbourhood, and a man of the name of Starrett succeeded him in the farm, and occupied the house which had previously belonged to Sweeny. Twelve months before the commission of the outrage referred to, Sweeny threatened to disturb Starrett's position in a most lawless way; and intimated to the latter, that unless he was compensated in respect to some claim which he had set up, he would revenge himself on Starrett. On the 5th of April, 1851, Sweeny, with a party of followers, broke into Starrett's house, declaring, upon their entrance, that they had come there for justice. They thereupon beat Starrett very severely, and from the effects of the injuries which he received he died shortly after the trial; and his mother was so severely treated on the same occasion that she was never likely to recover from the effects of her injuries. In addition to the commission of those dreadful outrages the party of Sweeny stole everything they found in the house; and they took away a horse, which they subsequently killed to prevent detection. There was great difficulty in obtaining evidence in consequence of the lawless state of the country; but Sweeny was ultimately brought to trial, was convicted at the summer assizes in 1851, and was sentenced to ten years' transportation. Since then that part of the country was greatly disturbed, there being no less than forty agrarian outrages between the spring and summer assizes of last year. Two baronies were proclaimed, and a third stipendiary magistrate was sent down there, together with a number of extra police, at the charge of 1,500*l.* a year upon those baronies. At the summer assizes in 1853, Chief Baron Pigott delivered a most impressive charge, and said that seldom in the course of his judicial experience did he know the country to have been in so lawless a state as part of the county Donegal was at that time. To show the state of the country at the last summer assizes, a most daring outrage was perpetrated under the eyes of the Judge himself. A man was about to be tried for a Ribbon offence, and while the Judge was sitting in the court, and the grand jury were going through their business, in the presence of the police, the grand jury, and the Judge, a party of Ribbonmen entered the town, and carried away the principal witness upon the trial. The Judge was so struck by this extraordinary proceeding that he adjourned the assizes, but returned in a fortnight afterwards to try the perpetrators of this outrage, who in the meantime had been captured by the magistrate. The complaint now made in respect to this man Sweeny was this—that notwithstanding the lawless state of the country and of this Ribbon system, this man Sweeny, who was notoriously a bad character, was in a short time after his conviction and sentence of transportation sent back, with a ticket of leave, to the place of his birth—where he was, no doubt, now pursuing the same course of lawlessness and crime. A strong remonstrance was drawn up by the magistrates, and sent to the Lord Lieutenant, together with resolutions, setting forth the great encouragement to outrage which the enlargement of this offender gave, and protesting against the ticket-of-leave system. The resolutions agreed to were these—

> "We, the undersigned magistrates of the county of Donegal, with the most anxious desire to carry into effect the wishes and decisions of the Government, as well as the law of the land, crave leave to lay before your Excellency the very great increase of difficulty thrown in the way of our duty, by the plan at present adopted, of granting 'tickets of leave' to convicts, whereby they may return to the scenes of their former crimes.
>
> "In this county two prisoners of the name of Sweeny (Miles and Shane), brothers, were tried at the summer assizes, 1851, for burglary, assault, and robbery, upon a man named William Starrett, from which assault, and its consequences, the man subsequently died. The cause of this outrage was agrarian, the enforcing from Starrett a compensation for land given to his father, from whence the Sweenys or their father had been evicted many years before.
>
> "They were convicted, and sentenced to ten years' transportation. Miles Sweeny has now been at large in this very district since the winter of 1853.
>
> "We, the undersigned, with the utmost respect, submit for the consideration of your Excellency the great encouragement this man's enlargement gives to the Ribbon confederacy—a system organised expressly to protect landholders against the laws, and so prevalent now in this country, as your Excellency is aware the greater part of it is proclaimed, and not only to afford encouragement to evil-doers, but to impart increased terror and dismay to the well-disposed, and to render it still more hopeless than it has hitherto been to obtain information or assistance to bring offenders to justice; and we very earnestly pray your Excellency that, in the solitary instances of conviction on offences arising out of 'Ribbonism' the prisoners may not be allowed 'tickets of leave' to return home, which are considered, and indeed cannot be distinguished by an ignorant people from, a pardon; and are, therefore, calculated to render the law still more impotent than it is in all such cases."

Lord Naas

He (Lord Naas) quite concurred with these opinions, and thought that it was most desirable to know whether it was proposed by the Government to grant these tickets of leave to persons convicted of agrarian outrages. They ought also to know whether they were to be given, in the exercise of the prerogative of the Crown, as a mitigation of punishment, or whether they were to be granted as rewards for good behaviour in prison. He certainly did not think that tickets of leave should be granted as a sort of *quasi* pardon or mitigation of punishment. It was certainly possible that the liberation of this man might have arisen from one of those mistakes which would inevitably arise sometimes; and in that case nothing more could be said about it. But he could not but think that the inhabitants of this district, so long the scene of agrarian outrage, ought to receive an assurance that these perpetrators should not receive tickets of leave, or at any rate that they should not be permitted to return to the scene of their former crimes.

Sir JOHN YOUNG said, there was no objection to give this correspondence, though he must observe that there was nothing in the papers which came before the Irish Government to show that the man in question was convicted of a Ribbon offence. He was sorry to say that the county of Donegal was not in a good state, that disturbances prevailed there, that a district had been proclaimed, and that it would be necessary to continue that proclamation. He apprehended that the ticket-of-leave system which had been recently introduced in place of transportation was now on its trial, and that such tickets would only be granted when the behaviour of the convicts in prison was such as to give a fair prospect that if let out they would not endanger the peace of society. Those remarks had, however, no reference to the present case. The man Sweeny having been convicted of a burglary and a violent assault, was sent to Spike Island, where he remained until two or three months ago. The Lord Lieutenant then received a petition from his wife, stating that he was in bad health, and praying for his release. This petition was referred to the medical officer of the Spike Island prison, who reported that the prisoner was in fact labouring under a dangerous disease, which would be greatly aggravated by continued confinement. That report was sent to the Judge who tried the case, and he having stated that he thought it was proper that under the circumstances the man should be released, the Lord Lieutenant ordered the liberation. Nor did he (Sir J. Young) believe that any Government would keep a man in prison at the risk of his life, when he had been sentenced to a punishment much less than death. He might again remark that there was nothing in the paper that came under the notice of the Government to show that Sweeny had committed a "Ribbon" offence.

Motion *agreed to.*

The House adjourned at half after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, July 19, 1854.

Minutes.] Public Bills.—1° National Gallery, &c. (Dublin); Friendly Societies Acts Continuance; Admiralty Court.

Reported—Jury Trial (Scotland).

BUSINESS OF THE HOUSE.

Lord JOHN RUSSELL: Mr. Speaker, I rise to move that the consideration of the Lords' Amendments to the Oxford University Bill be taken into consideration to-morrow se'nnight. In making this Motion, I will take the opportunity of making a statement relative to the business of the House. My attention has been called to a Resolution of the House of Lords of May 2, which is to the effect that no Bills coming from the House of Commons be read a second time, except Bills of Supply, after the 25th of July, unless they be measures of peculiar urgency, or are brought in in consequence of recent circumstances, which must be stated to the House. I am not now quoting the words, but that is the substance of the Resolution of the House of Lords. Well, I do not know that we can much complain that, after the 25th of July, there should be an unwillingness on the part of the House of Lords to consider new measures, but at the same time there is some difficulty in making the business of this House accord with that Resolution. I have thought it best so to arrange the business of this House, that the measures that we can send to the other House shall be sent up by Monday next. There is one Bill more especially which is of the greatest importance to the three kingdoms—the Bill with respect to bribery and corrupt practices at elections. This House has given a great deal of time to that Bill, and I hope it will go through this House without much more discussion. But there are two important points still to be considered—namely, whether this House will sanction in any way, or will withhold its sanction from, any expenses for refreshment or allowances for travelling, and likewise whether any declaration shall be made by Members, either at their nomination or in this House. Still, I hope that we may settle this question, and fix the Bill for a third reading, so that it may arrive in the House of Lords in time. That Bill stands for twelve o'clock to-morrow; and if we do not get through the consideration in Committee of the whole of the clauses, I shall propose to take it again at the evening sitting, and to proceed with it in such a manner that, possibly on Friday, or at the latest on Monday, we may send it to the House of Lords. There are various other Bills of considerable public importance that it will be necessary to take before Committee of Supply, which I had proposed to take on Friday. I will take care that they are placed on the Orders of the Day for to-morrow, so that the House may know what Bills are to be first proceeded with. With this statement, I move that the Order of the Day for considering the Lords' Amendments of the Oxford University Bill be now read, in order that it may be postponed until to-morrow se'nnight, and I think that the consideration of any other Bills coming down from the House of Lords had better be postponed, in consequence of the Resolution of the House of Lords to which I have called attention.

Motion *agreed to;* Consideration of Lords' Amendments deferred from to-morrow till Thursday, 27th July.

CHURCH TEMPORALITIES, &c. (IRELAND)—ADJOURNED DEBATE (THIRD NIGHT).

Order read, for resuming adjourned Debate on Question [13th June]—"That leave be given to bring in a Bill to alter and amend the Laws relating to the Temporalities of the Church in Ireland, and to increase the means of religious instruction and church accommodation for Her Majesty's Irish subjects."

Question again proposed.

Debate *resumed.*

Mr. KENNEDY said, that, notwithstanding the impracticability of considering a measure of such importance at this advanced period of the Session, he considered it right that an opportunity should be afforded to the hon. and learned Member (Mr. Serjeant Shee) of answering the statements that had been made, and he therefore thought he had discharged his duty by moving the adjournment of the debate on the previous occasion.

MR. SERJEANT SHEE said, he considered he was entitled to call the attention of the House to any subject in which a large constituency were interested, but more especially when he had been charged with such misstatements and exaggeration, he was bound to vindicate himself. He should proceed at once to reply to what had been stated by the opponents of the measure. The House would recollect that when he introduced this question he stated the object was to transfer a portion of the surplus income of the Irish clergy of the Established Church to Commissioners composed of Presbyterians and Roman Catholics, for the purpose of employing it in a manner similar to that in which the Ecclesiastical Commissioners for Ireland employed a large portion of their revenue—namely, in rebuilding, repairing, and refurnishing places of worship for the Presbyterian and Catholic communities. He proposed that the accounts of such Commissioners should be laid before the House annually, and that they should be appointed by the Crown. He had also gone into various statistics, and quoted the opinions of Dr. Paley and Bishop Warburton, that the Established Church of Ireland had failed in its object, and he had submitted that, there being at the most only 882,000 members of that Church out of a population of 6,500,000, it did not effect the object of civil utility, on which alone, according to the opinion of Bishop Warburton, a Church establishment was justifiable. He had also quoted the opinions of Lord Brougham, Lord Grey, Lord Campbell, the noble Lord the President of the Council, and the right hon. Baronet the Colonial Secretary, that the present state of the Church Establishment in Ireland was indefensible. In reply to that, the right hon. Baronet the Secretary for Ireland (Sir J. Young) said, that the opinions in question only applied to the state of the Irish Church at a very distant period, and not at the present day; but he (Mr. Serjeant Shee) would remind the House that those opinions had all been given after the settlement of the Irish Church in 1833; and that in 1836 Lord Morpeth brought in a Bill on the subject which differed in no material respect, except the manner in which the surplus revenue was proposed to be appropriated, from the Bill which he now asked leave to introduce. In a question of such importance, he asked, could the House blame him, representing as he did a constituency of 150,000 souls, of whom 8,000 alone were Protestants, for wishing to bring in a Bill on the matter, when he found the whole of the ecclesiastical revenues of his diocese in the hands of the clergy of those 8,000 persons; while the clergy of the members of his own creed had neither houses to live nor churches to worship in, unless they provided them out of their private resources? What was he there for if he had not a right to bring this shameful grievance before the people of England? And he believed that when they were informed of it, they would be the first to correct the abuses he complained of. What he asked was, whether they would maintain their Establishment in dignity and honour, and not whether they would in any great degree deprive it of its funds? This was the first time that an attempt had been made to bring this subject before the House, without in any way exceeding the liberty given to the Roman Catholics by the oath which they took on entering the House; for the proposition which he made to them was quite consistent with the maintenance of the present Established Church in honour and dignity. He was astonished that, after the description he had given of the state of things in Ireland in moving for leave to introduce this Bill, there should be any objection to allowing him to lay it on the table; for that step did not in the smallest degree pledge them to an approval of its principle. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) had accused him of overrating the income of the Irish Church. He would, however, prove that he had done no such thing. He had stated that the permanent revenue received by the Ecclesiastical Commissioners was 95,000*l.* per annum, and that there was also an additional revenue of 15,000*l.* per annum not of the same permanent character. Now, this was actually quoted from Archdeacon Stopford's book, and he had it on better authority even than that, for it was stated in the last Report of the Commissioners themselves. Then, again, he stated the income of the archbishops and bishops at 68,000*l.* That also was taken from a paper which must have been supplied by the Ecclesiastical Commissioners themselves; and he had a return made by the archbishops and bishops, stating their net income, after making the most ludicrous deductions, such as insurance on their houses, interest at 5*l.* per cent on account of money expended on their houses, poor rates—only fancy that!—and various other small deductions, at 64,430*l.*; therefore he could not be considered to have been very far wrong in stating it at 68,000*l.*, because he did not admit the justice of the deductions in question. Then, again, he had stated the parochial revenue of the Irish Church at 438,000*l.*, and there again he based his calculations on the figures in the Archdeacon's book, who, he must say, had shown great courtesy in the controversy, and behaved in a manner very different to that which had been misrepresented of him. He might also justify in the same way his statement of 12,000*l.* for the revenue of dignitaries, and 9,000*l.* for prebendaries, &c. But the right hon. and learned Gentleman said he was wrong in his surplus; now, he could show that he was quite right. In addition to the 95,000*l.* now disposable by the Ecclesiastical Commissioners as permanent income, there was a sum of 15,000*l.* a year not considered as permanent, but which presented a prospective increase up to 18,000*l.* or 20,000*l.*, and there was also a sum of 35,000*l.* put down by the Ecclesiastical Commissioners for expenditure in church requisites, such as surplices, candles, bibles, prayer-books, &c.; and he must say, that considering the indifferent manner in which the churches of Roman Catholics—the bulk of the population—were furnished, they ought to blush and be ashamed of such a charge. They might economise that item, and also effect a considerable saving by reducing the income of the archbishops of the Established Church in Ireland to 4,000*l.*, and that of bishops to 2,500*l.* annually, which he thought, considering the small proportion of the Protestant population, would be amply sufficient. At present the aggregate amount of their incomes was 64,000*l.*, and some of them had more patronage than the Lord Chancellor; for, as they well knew, in Ireland the Crown exercised very little patronage comparatively. He spoke with great respect of those eminent prelates, who were not at all disliked in Ireland, who lived at home and were personally very charitable; still he submitted, that the sum he had named would be amply sufficient. They could also save 50,000*l.* a year upon the various benefices in certain dioceses of Ireland without depriving any one of the means of religious instruction. There were 395 benefices in those dioceses, the population of which, before the famine, was 998,000 Catholics and only 16,700 Protestants of all denominations. The income derivable from them was between 80,000*l.* and 90,000*l.* The churches were very close to each other, there being often five or six within a circuit of three or four miles. In the diocese of Cloyne, where there were sixty-five churches, he had ascertained, by having them actually counted, that the number of attendants of all ages, on Easter Sunday, was under 4,000 out of a population of 250,000. By forming the churches into unions—which could be done with great facility, and with no inconvenience as far as church accommodation went—the sum he had mentioned might be saved, and they could still pay the clergymen, on the average, 400*l.* per annum, and give them a house to live in. Such was the plan which he wished the House to adopt, and which he believed would tend to the benefit of the country. He was, indeed, quite aware that it would not be acceptable to the Irish country gentlemen, who were in favour of the continuance of the Established Church in its present condition and with its present abuses, because they knew that they were now certain to get a good living, or, perhaps, a bishopric for one of their sons. He would prove to the right hon. Baronet the Secretary for Ireland, that the sum he had mentioned could be economised beyond all question. In 1848, the Ecclesiastical Commissioners made a return of the benefices which, by the death of the incumbents, had become subject to the tax imposed under the Church Temporalities Act, and also of those which had not so become subject, and he found that 283 were not liable to the tax. Some of them had enormous incomes, and the surplus above 300*l.* a year was 56,000*l.*, the whole of which might be saved. Then, again, with respect to the expenses of the Ecclesiastical Commissioners, a saving might be effected. The members of that Commission were Bishops, and received no salary; yet, he found that, while the amount of money dealt with by the Commissioners was 992,000*l.*, the expenses amounted to no less than 127,474*l.*, or 12¾*l.* per cent, which he considered intolerable. If this Bill should pass—and he firmly believed that, before long, either this Bill or some similar measure would be adopted—he proposed that the charge of 35,000*l.* now paid for the sacramental elements should be defrayed by the rich Protestants of Ireland. He further proposed that 30,000*l.* should be paid annually to the Catholic Ecclesiastical Commissioners, 10,000*l.* a year to the Presbyterian Ecclesiastical Commissioners, and that 5,000*l.* a year should be placed in the hands of the Lord Lieutenant and the Irish Privy Council, to be distributed among other Protestant communities. There would still remain a sum of 169,000*l.* to be hereafter realised on the death of the present prelates and incumbents of the Protestant Church, and he proposed that this sum should be divided into six parts, three-sixths being placed at the disposal of the Catholic Ecclesiastical Commissioners, two-sixths remaining in the hands of the present Ecclesiastical Commissioners for Ireland, and the other sixth being paid over to the Presbyterian Ecclesiastical Commissioners, with the view of building churches for the Irish Presbyterians, by whom such accommodation was greatly required. Very large sums of money had been expended upon the churches of the Establishment, and it appeared from the Reports of the Ecclesiastical Commissioners that a sum of 35,000*l.* or 36,000*l.* a year would be amply sufficient to keep those churches in repair for the future. Even after that deduction, however, the Ecclesiastical Commissioners for the Established Church would still have in their hands an annual income of 60,000*l.*, which he thought would afford ample means for the augmentation of small livings. He thought he had now disposed of the objections of the right hon. Secretary for Ireland, and he must express his astonishment that that right hon. Baronet, on the part of the Government, should have opposed the introduction of this Bill, and should have said that the present arrangement with respect to the temporalities of the Established Church in Ireland was final. If the right hon. Baronet entertained that opinion, he would find himself very much mistaken, and if the present Administration persisted in such an idea there would soon be an end of their Government. He would tell the Government that the doctrine of finality with reference to this question would not do, and, for his own part, he would endeavour by every means in his power, consistently with the solemn oath he had taken at the table of the House, to put an end to the shameful grievances to which he had called attention. It was quite true that no Government could stand which had the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) for their Attorney General, for he, far more than Lord Derby, was the cause of the downfall of the late Government. Still he remembered that the leader of that party in the House of Commons (Mr. Disraeli) had once stated—he had, it was true, given no proof of his intention to carry such a policy into effect—that the only way to deal successfully with Ireland was to set this question at rest. But let that be as it might, it was impossible that the present Government could continue to hold office on the principle of upholding the present Irish Church. By so doing they deprived themselves of the support of himself and of many other hon. Gentlemen, who, while sympathising with them on almost every other subject, were prevented, by their policy on this, from enlisting themselves in the ranks of their supporters. The late Secretary to the Treasury (Mr. G. A. Hamilton), whose absence on this occasion he regretted, had made some very severe criticisms upon his speech, and had accused him of misstatements and exaggeration. The hon. Gentleman said that he had stated that the episcopal and parochial clergy in the diocese of Ossory shared among them a revenue amounting to 60,000*l.*, while the Parliamentary returns showed the revenue to be only 50,307*l.* The hon. Gentleman, however, made several deductions, the justice of which he (Mr. Serjeant Shee) did not admit, and he found that he had actually understated the revenue, which amounted to about 61,500*l.* The hon. Gentleman had also taken exception to his statements with respect to the income of the episcopal and parochial clergy of the diocese of Cashel, which he (Mr. Serjeant Shee) had stated at 42,000*l.*, and, on further investigation, he found the actual amount was 42,611*l.*, the hon. Member (Mr. Hamilton) having made deductions which he (Mr. Serjeant Shee) contended ought not to be allowed. The hon. Gentleman also referred to the diocese of Limerick. He (Mr. Serjeant Shee) stated the episcopal and parochial revenue at 31,500*l.*, while the hon. Member said that it appeared from the returns to be only 26,215*l.* In this case, however, the hon. Gentleman made deductions which were not justifiable since the passing of the Rent

Charge Act, and he (Mr. Serjeant Shee) found that the actual revenue was 31,880*l.*, instead of 31,500*l.* The hon. Gentleman further charged him with a misstatement respecting the revenues of Armagh, Clogher, Down, Derry, and other dioceses, which he (Mr. Serjeant Shee) had estimated at 170,000*l.* annually, while the hon. Gentleman said that those revenues, according to the returns, amounted only to 139,686*l.* He found, however, that, including the episcopal and diaconal incomes, which were omitted by the hon. Gentleman, the actual revenue of these dioceses was 172,023*l.* annually. The hon. Gentleman also said that he had represented that the cost of churches in the diocese of Ossory had been 105,000*l.*, whereas the Parliamentary return showed that it had only been 99,559*l.*; but the hon. Gentleman seemed to have forgotten the cost of churches built by the Ecclesiastical Commissioners since 1836 and 1837, when the return to which he had alluded was made. He found that, since 1836, seventeen new churches had been erected in the diocese of Ossory, at a cost to the Commissioners of 16,000*l.*, so that he ought to have stated the expenditure at 115,000*l.* instead of 105,000*l.* The hon. Gentleman had fallen into a similar error with regard to the churches built in the dioceses of Cashel and Limerick. He found that the actual cost of churches in the diocese of Cashel had been upwards of 54,000*l.*, instead of 51,000*l.*, as he had before stated. With regard to the diocese of Limerick, he was ready to admit he had made a mistake. He had stated the cost of new churches in that diocese at 53,098*l.*, and the hon. Member for Dublin University (Mr. Hamilton) said it was only 45,935*l.* He (Mr. Serjeant Shee) found on a more accurate investigation that the actual cost had been 51,421*l.* The right hon. and learned Member for the University of Dublin (Mr. Napier) had thought fit to comment upon some of the remarks which he (Mr. Serjeant Shee) had made in bringing his Bill under the notice of the House. That right hon. and learned Gentleman was the bitter and irreconcilable foe of the great body of his countrymen. He considered that the right hon. and learned Gentleman was a man who rendered it impossible for hon. Gentlemen on the Opposition benches to conduct a Government; for he believed they might have had some chance of remaining in office if the right hon. and learned Gentleman had not been a Member of their Administration. He thought that the best thing those hon. Members could do would be to give the right hon. and learned Gentleman an intimation that, at the earliest opportunity, he would be placed upon the bench, where, no doubt, he would administer justice with the impartiality which distinguished both Protestant and Catholic Judges in Ireland. The possibility of a Government of which the right hon. and learned Gentleman might be a Member was, however, out of the question, for the whole body of Irish representatives would oppose any Government which gave the right hon. and learned Gentleman a seat in Dublin Castle. The hon. and learned Gentleman then proceeded to reply at some length to the charge made against him by Mr. Napier that he had founded his arguments upon the population returns of 1834, as if, during the twenty years which had subsequently elapsed, there had been no change in the numbers of the Irish population; and referred to a pamphlet which he had published upon this subject to show that in every case of reference to population he had stated the increase or decrease in the population of the districts to which he alluded. The statements which he had made with respect to the attendance of Protestants at divine worship in their churches on Easter Sunday, 1853, were borne out by the facts of the case. Under the Church Temporalities Act, the Ecclesiastical Commissioners had enormous funds for building churches, and they had actually built ninety-eight new churches, and repaired fifty-nine, but none of these was at Achill. Therefore he inferred that the statements of the Bishop of Tuam relative to the increase of Protestantism at that spot were founded on hallucination. With regard to another charge of misrepresentation, he had never stated that the Bishop of Cloyne had an income of 3,000*l.*; but he had stated, as was the fact, that he had an income of 2,498*l.* The right hon. and learned Gentleman, again, charged him with misstating the income of the Archbishop of Armagh; but that most rev. Prelate himself returned his gross income at 16,299*l.*, and his net income, after all possible deductions, at 14,634*l.*, the amount he had named. It was not honest to endeavour to disparage a man who came forward openly to bring questions of this kind in a fair manner before the House. It was absurd to pretend that the Church Establishment could be subverted by a measure which left to every archbishop an income of 4,000*l.* a year, and to every bishop one of 2,500*l.* He was astonished at the manner in which the right hon. and learned Gentleman had dealt with this case, and could only express his wonder that any one who was capable of doing so should ever have been Attorney General, or that any one who aspired to be Attorney General again should think of dealing with the case in such a manner. Whatever the meaning of the oath taken by Catholics might be, it was their duty and interest to observe it faithfully; but he could not admit that the construction placed upon it by the right hon. and learned Gentleman was the correct one. He did not believe it would be for the advantage of the community, that the Church Establishment of Ireland should be thrown down; for if it were, the Roman Catholics would be deluged with an army of proselytisers, who would publish all sorts of blasphemies against their religion, instead of having resident amongst them a body of amiable and well-educated gentlemen, who, though not agreeing in religious sympathies and opinions with the population generally, never failed in seasons of distress to stretch out a helping hand of charity to the sufferers. In every book he had published on the subject, he had avowed these opinions, and his hon. Friends near him differed from him because he had done so. His belief was, that they would not be well advised, if they sought the destruction of the Church Establishment through the means lately suggested; and they ought to be glad to connect themselves, he would not say as stipendiaries, but through the medium of an Act of Parliament with the Government of the country. For these reasons he regretted very much the proposals lately made for giving up the endowment of Maynooth. His conviction was, that there could be no hope of good government in Ireland, nor of any good understanding between the two countries, or of carrying on the system of public policy by a Liberal Administration, until Members representing Catholic constituencies were satisfied on this great question of the Irish Church. It was to promote this consolidation of the Union, for the purpose of getting rid of all distrust, animosity, and dissension, and of producing, so far as was consistent with the maintenance of the Established Church, religious equality in every benefice in Ireland, that he proposed this Bill. He was in the hands of the House as to whether there should be a division or not. He was quite willing to divide, and did not care about being in a minority, for his hope was hereafter to count the men who came over to him. He trusted in the good sense and justice of the people of England, that they would not long tolerate this great abuse.

MR. NAPIER said, in explanation, that the hon. and learned Gentleman had professed to state the incomes of the bishops and clergy of Ireland as they stood under the Church Temporalities Act; but, according to that Act, the deductions to be made from the income of the Archbishop of Armagh amounted to 6,000*l.*, and, therefore, the hon. and learned Serjeant had stated the income of that Prelate at 6,000*l.* more than the proper amount, as appeared on the face of the return.

MR. SERJEANT SHEE said, that fact was no doubt stated in a note, which note also appeared in the printed copy of the speech as circulated.

MR. FREWEN said, he could speak from his own knowledge as to the numerous attendance in two churches lately built in Achill, and it was his belief that if more Protestant churches were supplied in Ireland, congregations would be found to fill them.

MR. COGAN said, that as a matter of courtesy, he would, if the House divided, vote for the introduction of the Bill, but he must, at the same time, express his conviction that the measure would continue unacceptable to the great body of the liberal Roman Catholic Members. He much regretted that the noble President of the Council should have enunciated the proposition that the question of the Protestant Church in Ireland had been finally settled. Finality upon all such matters was a term which the noble Lord might well have learned to avoid; and he must warn the noble Lord that it was not by any such propositions he could hope long to retain the support of a large body in that House who at present rendered him their aid. The noble Lord would do well to bear in mind that there were many Members of that House who supported Ministers, not so much from love to them, as from hostility to their antagonists over the way, and the noble Lord would act wisely in not overtaxing the patience of those who for such reasons supported him.

MR. NEWDEGATE said, that the hon. Member who had just resumed his seat had addressed his observations to the Government, who, on the present occasion, were represented by empty benches. The hon. Member had said, that the conduct of the right hon. and learned Gentleman who was Attorney General for Ireland under the Government of Lord Derby would have prevented Liberal Roman Catholics supporting that Government; but he was happy to say that in the estimation of the people of England, the brightest part of the Administration of Lord Derby was the conduct of the Irish Executive. The hon. Member had, with great good sense, deprecated the course taken by the hon. and learned Member for Kilkenny (Mr. Serjeant Shee). The misstatements which had been made showed that there were those who, with terms of peace on their lips, sought for nothing less than the overthrow of the Established Church in Ireland. They were seeking to effect that at a time when the population of the country had been reduced, and when, as admitted by the hon. Member for Cork, the Roman Catholics were not much more than a half of the population. [*Cries of* "No, no!"] He believed that the hon. Member had said that they were five-eighths. It appeared that nearly 2,000,000 of Roman Catholics had gone to the United States, the greater part of whom had in that country abandoned the Roman Catholic faith. [*Cries of* "No, no!"] That, however, was the statement of Priest Mullins. He wished to know, therefore, whether the present was a proper time for the hon. and learned Serjeant to propose the suppression of nearly 400 benefices of the Established Church? [Mr. Serjeant SHEE: The consolidation of 395 benefices]. The diminution by consolidation of 395 benefices. Surely that was interfering with the Church of Ireland. Moreover, it was a notorious fact that the Roman Catholic people in the west, as stated by the hon. Member for East Sussex (Mr. Frewen), were joining the Protestant Church, and were becoming sensible of the blessings which it conferred on Ireland: Those blessings could not be denied, and yet hon. Members were trying to undermine an Establishment, the merits of which were daily acknowledged by the accession to it of hundreds of thousands of the people. Surely, then, hon. Members could not deny that conversion was going on rapidly in the west of Ireland, that the Roman Catholic population had enormously diminished, and that the number of persons belonging to the Established Church in Ireland was now much greater than it was when they were returned at 800,000. If there was any feeling of liberality among Roman Catholics—if they were not actuated by a blind desire to assail the religion of their fellow-countrymen—the last thing they would attempt to do would be to seek to deprive their fellow-countrymen of the benefits of a Church which hundreds of thousands of them had made the Church of their choice, and which had conferred such blessings on the country.

MR. BOWYER said, he was prepared to vote for the Motion of his hon. and learned Friend, because he thought he ought at least to have an opportunity of laying his Bill before the House. At the same time he objected to its principle, because he could not understand how any Roman Catholic Member could bring in a measure respecting the Irish Church which had not for its object the getting rid entirely of that abuse and standing nuisance in the country. He would not go into the question of the oath, because that was a subject which savoured somewhat of casuistry, and was rather a matter for individual conscience. At the same time he could not conceive that the oath could ever have been intended to fetter the Members of that House in their legislative capacity, because that would be entirely unconstitutional. The whole question had been fully discussed with regard to the coronation oath. It had been very cogently argued that the King, having sworn to maintain the rights of the Established Church, could not consent to a measure affecting its privileges. That consideration pressed much upon the conscience of George IV., but he was told by his gravest advisers that his oath did not bind him in his legislative capacity. The same principle applied also to Members of Parliament. It had been always maintained that one Parliament could not bind a future one; nor could one part of the Parliament bind the rest. By parity of reasoning it followed that the whole Parliament could not bind any Member of it. He thought, therefore, that the invective of hon. Members on the other side was not justifiable. Besides, the Archbishop of Canterbury and the other Prelates had all taken an oath not to consent to the alienation of the property of their respective sees; yet they did consent to a measure which had that effect. It had been wittily remarked by Sydney Smith, that he could not make it out how the Archbishop could have assented to such a measure; but he had found out that his Grace had only taken the oath by proxy. That the unfortunate attorney who had taken the oath for the Archbishop and had received his fee for doing so, had since consulted many eminent divines, but that they had all assured him that he must suffer the pains of eternal fire for the Archbishop; that he had therefore been daily going to Lambeth Palace with the fee in his hand to entreat the Archbishop to take it back, and to relieve him from the responsibility he had so incautiously assumed, but that his Grace had refused to do so, and had left him in his miserable plight. He (Mr. Bowyer) did not wish to charge the right rev. Prelates with perjury; because he did not think that this oath was ever intended to bind them in their capacity of Members of the House of Lords. But he did ask for Roman Catholics the same interpretation of their oath as Members of the House of Commons. If he were to bring in a Bill to reform the Church of Ireland, it would be one to abolish it altogether; because that Church, though established originally by force, and since bolstered up by law, was in no true sense of the word a national Church. He was far, however, from coveting the wealth of the Establishment either in England or in Ireland. The Roman Catholic Church was in a far wholesomer condition than would be the case if it was possessed of State patronage; and her bishops with incomes of 400*l.* or 500*l.* a year were as learned, as active, and as saintly as any bishops in the world. The hon. and learned Serjeant said he wished to improve the character and position of the Established Church by taking away what appeared to him to be a blot; but he (Mr. Bowyer) thought that the Protestants were the best judges of that themselves. He did not wish to interfere with their affairs, just as he had wished the Protestants not to interfere with the monastic institutions. With regard to this Bill, he could not concur with his hon. and learned Friend (Mr. Serjeant Shee) in the principles upon which it was founded, because he thought that no measure relating to the Established Church in Ireland could satisfy the people of that country, if it did not deal root and branch with that injustice, that abuse and scandal, and completely settle the question. Now, the Bill of his hon. and learned Friend would not settle the question, and could not, he believed, satisfy the people of Ireland. Nevertheless he should vote for the Motion of his hon. and learned Friend for leave to bring in the Bill, which he thought was a measure framed with great ability and with the best possible intentions, and which deserved full consideration on the part of that House.

Mr. BRADY said, he rose to contradict a statement made by the hon. Member for North Warwickshire (Mr. Newdegate), which would lead the House to believe that the people of Ireland were fast becoming Protestants, and were daily and hourly forsaking the Roman Catholic religion. So far from this being the case, the fact was that for one Roman Catholic landed proprietor who existed in Ireland twenty years ago there were at present twenty.

Question put; The House *divided*:—Ayes 31; Noes 117: Majority 86.

REFORMATORY SCHOOLS (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clause 1 (Sheriff or Magistrate may send vagrant children to school, unless security is found for their good behaviour).

Mr. MAGUIRE said, that these schools were viewed with the greatest suspicion by the Roman Catholics, of whom there were not fewer than 100,000 in Glasgow alone, and 250,000 in the whole of Scotland. He had been desired by one of the highest dignitaries of the Church to which he belonged to oppose the further progress of the Bill. It must not, however, be supposed that he was averse to the principle of reformatory schools; on the contrary, he believed that the plan was one of the wisest and most benevolent that could be devised for the reforming young criminals, who were often rather the victims of accident than of their evil passions. The statement which he was about to make referred chiefly to the school at Edinburgh. In 1847, the Rev. Dr. Guthrie published in the newspapers an eloquent address; calling upon persons of all denominations to unite for the succour of this unhappy class. That appeal was most successful; it was responded to by Catholics as well as Protestants; but the cloven foot of fanaticism soon made its appearance. A demand was made to know the principles on which the schools were to be conducted; and the Committee, after much pressing, admitted that the reading of the Bible was to be accompanied with such comments and explanations as were fitted for Protestants. Dr. Guthrie himself admitted that of the

297 children in the school, one-half were Catholics; and this declaration of the Committee excited the greatest astonishment and displeasure, not only amongst Catholics, but also among the supporters of the schools generally. The late Lord Jeffrey, amongst others, addressed a remonstrance to the Lord Provost, showing that a large portion of those for whom the schools were designed were by this measure practically excluded from their benefits. This description of the Edinburgh schools applied to all similar schools, whether in Glasgow, Paisley, or elsewhere. The Edinburgh United School was conducted on an entirely opposite principle. There the faith of the Catholic children was respected; religious instruction was given to Protestants and Catholics separately, and they were each allowed to attend their own places of worship. Let the promoters of this Bill adopt the same principles, and every Catholic gentleman would say, "God speed your blessed work." In Dr. Guthrie's school half the children were Catholics, but they were supplied with food, and this secured their attendance. The attempt was made to educate them in a sort of nondescript faith called "the great Catholic faith," which was neither one thing nor the other. When the children left school, they were at liberty to choose their creed; but it was easy to see what would be their choice, looking at the parties by whom they had been trained. This was nothing but a miserable attempt at proselytising by sweeping the very streets. Unless a provision were introduced into this Bill for protecting the faith of Catholic children, he should continue to oppose it. It was said the Catholic children might go to some other school; but there were no other schools; perhaps the Edinburgh United School was the only one in Scotland to which Catholics could send their children. Let the Government take security for protecting the faith of the Catholic children in these schools; he had no confidence in the promoters of this Bill, and recommended that it should not be proceeded with this Session.

MR. M'MAHON said, he should move the insertion of words which would give the magistrate the power to make inquiry of the children as to the condition and residence of the parents previous to their being committed to the reformatory school.

MR. DUNLOP had no objection to the insertion of the words, and which were proposed in the Bill first introduced, but were struck out upon consultation with some of the promoters of the Bill.

MR. LUCAS said, he thought that a case of greater oppression could not be conceived than that a magistrate should be empowered by Act of Parliament to send a child to Dr. Guthrie's proselytising school, where it should be kept till the age of fifteen under the penalty of whipping and imprisonment.

MR. DUNLOP said, that the Bill would, undoubtedly, give the magistrate the power of sending a child to Dr. Guthrie's school; but he did not consider that to be a proselytising school. He had to add that he meant to introduce a proviso under which the magistrate would be obliged to send the child to any particular school selected by the child's parents or guardians wherever there might be more than one school; and he had no doubt but that Roman Catholic schools would be established in all towns in which Irish labourers were found in considerable numbers.

MR. VINCENT SCULLY said, he feared that there was some further object in view than appeared on the face of this Bill. He certainly thought that it would be very easily perverted into nothing but a scheme to kidnap the souls of young children. Such a scheme could never lead to any good whatever. Irish children were not to be turned into Protestants in that manner; they might, while young, appear to be perverted, but, in the end, it would be found that their minds were filled with a farrago of religions, and that they were, in truth, of no religion whatever. A little knowledge of ethnological science would, however, show that their work in this respect would be perfectly useless; for they might as well attempt to operate upon a young gipsy as upon a young Roman Catholic child.

MR. LUCAS said, he wished to ask whether, under the Bill, Roman Catholic children could be sent to Dr. Guthrie's school, which was admitted to be a proselytising school?

THE LORD ADVOCATE said, that it appeared to be entirely forgotten that the very large proportion of the children who would come under the operation of this Bill were of no religion whatever, and it appeared to be trifling with a great question to argue its effect upon the children of the Roman Catholic religion. Nothing could, in his opinion, be more fair or reasonable than the proviso of the hon. Member for Greenock (Mr. Dunlop) to give to magistrates the power of sending children to any school which the parent or guardian might prefer. If Roman Catholics thought proper to follow the laudable example of Dr. Guthrie, and establish Roman Catholic Reformatory Schools, there was a wide field open for the exercise of their philanthropy, and he would advise them to adopt such a course.

MR. J. O'CONNELL said, he felt greater distrust than ever in this Bill, after the observations which had fallen from the right hon. and learned Lord Advocate. The Irish Members had not opposed the Government Bill on this subject for England, because the Government had promised to add a clause providing for Catholic children on the third reading. That promise had not been kept; why, it was for the Government to say. He trusted that the Irish Members would not allow themselves to be misled in that way again.

COLONEL BLAIR said, he must deny that the object of the Bill was to tamper with the religion of Roman Catholic children. Its real and its only object was to reclaim destitute and helpless vagrants. The course which the Roman Catholic gentry ought to take in that matter was to accept the Amendment proposed by his hon. Friend the Member for Greenock, and to build schools to which children of their persuasion would be sent. He (Colonel Blair) wished to ask the hon. Member for Greenock whether he had any objection to change the age fifteen years to fourteen years?

MR. DUNLOP said, he had no objection to make the change.

MR. MONCKTON MILNES said, he regretted to find that the opposition to this Bill was founded on such grounds as would prevent any attempt to provide for the reformation of a mixed population. Surely the Roman Catholic Members would not prefer that the children of that persuasion should remain plunged in crime, rather than that they should come in contact with the Members of another religion. He could hardly believe that any person would rather see the children exposed to the perils which now beset them than to the chance of a modification of their religion. It would be different if they said, "We do not wish to oppose you, but we desire certain safeguards." If they had met the Bill in that spirit, he felt certain that the promoters would have done everything in their power to satisfy them. Those Gentlemen incurred a fearful responsibility who sought to defeat the present attempt to rescue the children in the large towns from their present state of crime and misery. He was sorry to find the good intentions of the promoters of this measure frustrated. They had had many difficulties to contend with, and it was too bad, when they sought to take a wretched infant from the streets, to be told that their object was to proselytise him. Men actuated by such a motive would not have made the sacrifices they had.

MR. LUCAS said, he must assert that his party had met the matter in a fair spirit. When the question first arose in the Middlesex Industrial Schools Bill, they had attended the Committee, and proposed an arrangement which they thought would be satisfactory to all parties. The clause introduced into the Bill to carry out that agreement was rejected by the Lords. When the Bill came back the bigotry of the majority of the House prevailed, and the Lords' decision was acquiesced in. They were prepared to adopt the same arrangement in the present Bill; the promoters had it in their power to obviate all objections. He had some time since suggested an Amendment to the hon. Member for Greenock to the effect that all the schools under the Act should be registered; if a school was intended for children of one denomination only, it should be stated, and those of any other religion should not be sent there. If a clause to that effect was inserted, all opposition would cease.

MR. VINCENT SCULLY said, it was unfair to represent the Catholic Members as being bigots, and against the education of these children. All they wished was, that the schools should not be perverted from their proper and legitimate objects.

MR. BRADY said, he wished to ask the right hon. and learned Lord Advocate whether, in his opinion, the Bill gave any guarantee for the protection of Catholic children?

MR. SERJEANT SHEE said, it appeared to him that they were disputing about nothing. The main principles of the Bill were conceded. He knew Scotland, and was aware that there existed a necessity for these schools. He would suggest that the hon. Member for Greenock (Mr. Dunlop) and the hon. Member for Meath (Mr. Lucas) should come to some arrangement.

MR. VINCENT SCULLY said, he wished the hon. Member for Greenock would read the proviso.

MR. DUNLOP said, the proviso was

this, that if the parent or guardian of any child should express a preference for any one school of two or more within the jurisdiction of the sheriff or magistrate, the child should be sent to such school.

MR. LUCAS said, that the proviso did not in any way obviate his objection. He did not wish the Catholic children to be sent to schools to be made Protestants, and the proviso did not meet this difficulty; it might if there were Catholic schools established in every district in Scotland, but such was not the case. He would not accept any Amendment but that which he had already stated.

COLONEL BLAIR said, he would remind the hon. Gentleman, who was so much afraid of proselytism, that a large number of Catholic children attended the parochial schools in Scotland, but there were no instances of their changing their religion.

MR. BRADY said, that the right hon. and learned Lord Advocate had not answered his question.

THE LORD ADVOCATE said, he was not aware that there was any provision in the Bill to guarantee the children of Catholic parents against becoming Protestants.

MR. BRADY said, that, under such circumstances, it was his impression that no Catholic Member would be justified in allowing the Bill to go further.

MR. DUNLOP said, that those hon. Members who had opposed the Bill had said that they had done so from a paramount sense of duty; but where was their sense of duty when the Government Bill was carried through every stage?

MR. F. SCULLY thought the present Bill was a most extravagant one. He had been for some years a Member of the House, and he never saw a more wicked attempt to destroy a large class of his fellow creatures. If the Bill was worth anything, why was it not taken up by the Government, and its provisions extended to Ireland?

House resumed.

Committee report progress.

ADMIRALTY COURT BILL.

SIR JAMES GRAHAM said, he would now beg to move for leave to bring in a Bill to amend the process in the High Court of Admiralty. The measure had received the sanction of the Judge of the Court; the matter was urgent, and on the second reading, he would state the provisions of the Bill.

MR. FERGUS said, he objected to the introduction of the Bill. The Lords of the Admiralty were carrying matters with too high a hand, and he would not agree to give them any more power. A seizure had been made of some vessels in Scotland, which he was advised was clearly illegal. He saw that one of Her Majesty's ships had been sent to the Clyde to seize the property of one of his constituents, because he refused to surrender it without a guarantee against future claims. Under these circumstances, he could not consent to give any further power to the right hon. Baronet and his Colleagues till the matter was arranged.

SIR JAMES GRAHAM said, he did not think the hon. Gentleman was aware of the nature of the Bill he (Sir J. Graham) wished to bring in. It did not seek to enlarge the powers of the High Court of Admiralty. The Act which the hon. Gentleman complained of was an Act exercised by the Government on their own discretion, and not under the authority of the High Court of Admiralty. But this Bill had nothing to do with that subject. It was a Bill to enlarge the power of the High Court of Admiralty merely to the extent of enabling it to appoint Commissioners in the country to take affidavits, similar to the power possessed by the Court of Chancery. That provision was required by reason of a doubt having been expressed in a court of law as to the efficacy of an affidavit taken by a Commissioner of the Court of Chancery in a matter cognisable by the High Court of Admiralty. That was the first provision of the Bill. The second was to legalise affidavits taken before our consuls and other authorities in foreign countries; the third provision was, to allow suits to be instituted without the arrest of the ships —this was a provision intended for the benefit of commerce; and the fourth and last provision of the Bill was to substitute stamps for fees.

Leave given; Bill ordered to be brought in by Sir James Graham, Admiral Berkeley, and Mr. Osborne.

Bill read 1°.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 20, 1854.

MINUTES.] PUBLIC BILLS. — 1ª Jamaica Loan; Royal Military Asylum; Crime and Outrage (Ireland).

2ª Highway Rates; Turnpike Trusts Arrangements.

Reported—Court of Chancery; Merchant Shipping Acts Repeal; Savings Banks; Marriages (Mexico).

NATIONAL EDUCATION (IRELAND.)

Earl GRANVILLE laid on the table the Report, with evidence, appendix, and index thereto, of Select Committee on National Education (Ireland).

The Earl of EGLINTON said, he could not allow the Report to be presented to their Lordships without saying a few words upon it. As he understood that it was not competent for Members of that House to make a protest upon any subject connected with a Committee, he would take this opportunity of expressing his entire dissent from, and disapprobation of, the Report which his noble Friend had laid upon the table. It appeared to him that the fact that twenty-one Members of their Lordships' House, most of them men of considerable Parliamentary experience, and even official knowledge, having sat for forty-one days upon this subject, having examined some of the most intelligent witnesses who could be produced in Ireland, and having obtained evidence which he believed would fill larger blue books than had ever yet been laid upon their Lordships' table—the fact of such a Committee not having been able to come to any decision on a subject so important as that intrusted to their charge appeared to him to involve such a degree of absurdity, if not a total dereliction of duty, that he felt himself called upon to take this opportunity of washing his hands of the whole transaction. He could not conceive anything more unsatisfactory to Ireland, or less gratifying to the feelings of the Members of the Committee themselves, than the decision, if decision it could be called, which had been come to.

Earl GRANVILLE thought it rather an unusual course, on the presentation of the Report of a Committee, for a noble Lord who was one of the minority in that Committee to get up and state over again his objections to the conclusion at which the majority had arrived. If his noble Friend's opinion were so strong on this point, he was surprised that he had not moved certain Resolutions or recommendations in the Committee himself. And when his noble Friend said that the decision of the Committee would be unsatisfactory to Ireland, he (Earl Granville) begged to say that he believed the great majority of the people of Ireland were in favour of the present system of national education pursued in that country; and he was convinced that they would rejoice to find that no Report had been made by the Committee subversive of that system.

The Earl of DERBY could not but think that the noble Earl had made a most unjust attack upon his noble Friend; because, in point of fact, his noble Friend had brought down certain Resolutions which he intended to move in the Committee. He himself (the Earl of Derby) had also brought down certain Resolutions, not for the purpose of subverting the system, but of amending it in certain points; and the noble Earl opposite, who was Chairman of the Committee, brought down a string of Resolutions which it was expected the Committee would discuss, and to the great majority of which he (the Earl of Derby) was prepared to give his entire assent. He was, however, taken entirely by surprise, as were also most of the other Members of the Committee, by the announcement on the part of the noble Earl that, after having prepared something like thirty or thirty-five Resolutions, to the greater portion of which there was no objection, he did not intend to move any one of them, because certain Amendments of them had been given notice of. In consequence of suggestions from other noble Lords, the noble Earl withdrew his own Resolutions, and divided the Committee on the question whether his noble Friend (the Earl of Eglinton) or himself (the Earl of Derby) should be permitted to offer any Resolutions. A majority of nine to seven decided in favour of the noble Earl; and he thought it was rather hard, therefore, for the noble Earl to come down now and reproach his noble Friend with not having moved any Amendment to the Report.

The Marquess of LANSDOWNE said, that the Resolutions of his noble Friend (Earl Granville) were mere suggestions, and not Resolutions. They were submitted in that sense to himself (the Marquess of Lansdowne) with an intimation that they were not intended to be moved as Resolutions unless they were likely to meet with the general assent of the Members of the Committee. It was subsequently found, however, on further consideration, that there was no prospect whatever of these Resolutions receiving general concurrence, or of their having the very desirable effect of reconciling divergent opinions upon this important question, and they were therefore withdrawn. Under these circumstances, he could not conceive how any other course could have been taken than that of reporting the evidence to their Lordships, and thus enabling the House and the public at large, both in England and Ireland, to form their own opinions upon the matter from the materials thus afforded to them.

LORD MONTEAGLE said, the course adopted on this occasion by the Committee was precisely the same course as that taken in 1837 by both Houses of Parliament on this very subject; and of the Committee of the House of Commons in 1837 the noble Earl opposite (the Earl of Derby) was a member and an ornament—as he must be a distinguished member of any assembly to which he belonged;—and on that occasion the noble Earl himself was an acquiescing party in the decision of that Committee, which was to report the evidence they had taken to the House of Commons, unaccompanied by any specific recommendation of their own.

THE EARL OF DERBY explained that he had no desire to enter into a discussion of the general question. He had only risen to complain of the unjust censure passed by the noble Earl (Earl Granville) upon his noble Friend (the Earl of Eglinton), whom he had charged with not bringing forward any Resolutions in the Committee, when, in point of fact, his noble Friend did come down with Resolutions, but was out-voted by an adverse majority.

THE EARL OF CLANCARTY said: My Lords, before this discussion closes I must beg, as a Member of the Committee by whom the evidence now upon the table of the House was taken, to say a few words, in consequence of observations that have fallen from the noble Earl opposite the Chairman of the Committee, and the noble Marquess (the Marquess of Lansdowne) beside him. It was with the utmost surprise that I heard the noble Earl speak of the national education system in Ireland as being popular, for certainly there is nothing in the evidence to justify such a remark; but, on the contrary, much from which to draw an opposite conclusion. The Committee sat for, I believe, above forty days; the most competent witnesses from every part of Ireland were examined, and it is most due to the noble Earl to acknowledge the ability, patience, and unremitting attention he gave to the conduct of the inquiry, animated apparently by a sincere and earnest desire, not only of eliciting facts and opinions regarding the actual operation of the education system, but also of examining suggestions for its improvement, and for freeing it from such well-founded objections as had hitherto hindered its acceptance with the great majority of the Protestants, and especially with the clergy of the Established Church. No one upon the Committee I should have thought could be more aware than the noble Earl how unsatisfactorily the system had worked, how little it had received of support from the educated classes in Ireland, and how much it was objected to, not only by those who had been restrained by conscientious motives from joining it, but also by many who had been most zealous in endeavouring to give it effect. In order, however, that there may be no mistake upon the subject, I beg to give notice that, unless the question be taken up by some noble Lord more competent to do justice to its importance, I shall early next Session move that the evidence and other documents now upon the table of the House be referred to a Select Committee to be reported upon with reference, among other points, to its acceptance by the people of Ireland, and the amount of support it has received at their hands, from whence your Lordships will be enabled to form some judgment of its alleged popularity. So far from being popular in the country, I know, and we have it in evidence from all parties, that the result of the labours of the Committee have been anxiously looked for as likely to be productive of important modifications of the system; and well assured I am that the decision unfortunately come to of reporting evidence, unaccompanied by any expression of opinion, will be viewed with the utmost dissatisfaction by every well-wisher to the cause of national education in Ireland. The observation of the noble Marquess to which I wish to call your Lordships' attention shows the great practical inconvenience that may arise from the refusal of the Committee to consider the evidence, and to discuss suggestions that different Members had prepared as arising out of it. The noble Earl (the Chairman) had prepared and communicated to the several Members of the Committee a series of recommendations regarding details in the working of the system which it was reasonable to suppose would have been submitted for discussion, and in this expectation the Committee assembled at their last meeting on

Monday last; some of the noble Earl's suggestions it might have been desirable to recommend for adoption, but some, I do not hesitate to say, were both objectionable in policy and at variance with the bearing of evidence. The Committee, however, had no opportunity of discussing them, for the noble Earl never moved their adoption. "But," says the noble Marquess, "they will not be thrown away, for they will be communicated to the Commissioners of National Education, who will, no doubt, give immediate attention to them." Now, I protest against any such course being taken. The noble Earl, as a Member of the Government, stands in a position of some authority with the Commissioners, and, having had the chief conduct of the late inquiry, his recommendations would, of course, have peculiar weight with them; but it would be a most unfair proceeding to give, as an ascertained result of the late investigation, suggestions that the Committee have not had opportunity of discussing, some of which, I again affirm, are neither justifiable in policy nor consistent with the evidence that is upon the table. I, therefore, hope that no proceedings will be taken until the evidence shall have been analysed and fully considered. I agree with the noble Earl the late Lord Lieutenant of Ireland in lamenting that this duty was not performed by the Committee, and that the just expectations of the public upon a subject so important to the interests of the population of Ireland must, for the present, be disappointed by the miserable and impotent conclusion of an inquiry upon which so much labour and expense had been bestowed. I yet hope, however, that as the evidence will now go before the public, and its publication will be accompanied with an analytical index, the work of the Committee will not be altogether without beneficial results, for, if read, the evidence cannot fail of removing much of that prejudice, by which the system of national education in Ireland has been so long upheld in the minds of the English people, and of commending to the sanction and adoption of Parliament and of the public such modifications as may render it, what it is not at present, just, efficient, and comprehensive.

COURT OF CHANCERY BILL.

On Motion that the House go into Committee on this Bill,

Lord BROUGHAM desired to state for their comfort and encouragement, a circumstance which had taken place in the morning, at the time of the transaction of judicial business. His noble and learned Friend the Lord Chancellor, himself, and a noble Lord whom he did not see in his place, had before them a cause which illustrated the bad state of the law as to the Court of Chancery before the recent amendments were made in it, and they were thus enabled to judge of the salutary effects likely to be produced by them. It appeared that a Bill was filed in 1803, and now, at the end of fifty-one years, the suit was not finished; for whatever might be the result of the appeal in hearing which their Lordships had been engaged that morning, the suit must go back to the Court of Chancery for some, he hoped but a short, time. In the course of this suit persons had gone to India, and had come into existence, and had ceased to exist. It appeared that two persons had been born into the suit, and that one, at least, of them had died. Though debts had been paid, yet their Lordships had been unable to discover that during the fifty-one years any of the parties to the suit had ever received a farthing, while 7,000*l.* or 8,000*l.* had been paid to professional persons engaged in the proceedings. If the late improvements of the law had not been so long delayed, a great portion of this protraction of litigation would have been avoided. If the Masters' Office had been abolished, and other improvements made concurrently with that abolition had been effected, he would not say that the whole mischief would have been prevented, but a considerable mitigation would have taken place. The Bill now before their Lordships had for one of its objects the prevention of delays, arising from the abatement of suits. Had its provisions been in force, much of the delay in the suit to which he was referring, and in many other suits, would have been avoided. He thought his noble and learned Friend on the bench behind (Lord Lyndhurst) would be ready to state, that in his second Chancellorship, he had to deal with an order which had been made by his predecessor, Lord Hardwicke, and he (Lord Brougham) had himself to deal with an order made by Lord Kenyon when Master of the Rolls. He thought, in what he had stated, their Lordships would see reason for proceeding with the amendment of the law; but he should not deal fairly with them, did he not state that he was firmly convinced that there could be no effectual remedy for the evils incident to the Court of Chancery until the practice of taking evidence *vivâ voce* was introduced into that Court, in which we had at present a most inauspicious division of labour. Political economists had doubted whether a division of labour had the effect of producing the amount of goods produced; but no one had ever doubted that it improved the quality of the work. The division of labour in the courts of equity, however, which gave to one man the office of hearing and seeing the witnesses, and to another that of deciding upon their testimony, might increase the quantity of work done, but it made its quality essentially bad—it made it absolutely very nearly worthless.

THE LORD CHANCELLOR confirmed the statement of his noble and learned Friend as to the circumstances of the case to which he had referred, and added, that he rejoiced to think that it was perfectly impossible that anything of that sort could now occur.

House in Committee.

Bill *reported*, without Amendment: Amendments made; and Bill to be read 3ª *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 20, 1854.

MINUTES.] PUBLIC BILLS.—1° Bankruptcy.
2° Ecclesiastical Jurisdiction; Highways (Public Health Act); Stock in Trade Exemption; Inclosure, &c., of Land; Common, &c., Rights (Ordnance); Admiralty Court; Friendly Societies Acts Continuance.
Reported—Indian Appointments, &c.; Benefices Augmentation.
3° Convict Prisons (Ireland); Turnpike Acts Continuance, &c.; Jury Trial (Scotland); Literary and Scientific Institutions; Real Estate Charges; Medical Graduates (University of London).

BRIBERY, &c., BILL.

Order for Committee read.

House in Committee.

Clause 33 (Declaration of Member).

SIR FITZROY KELLY said, he proposed to substitute for the declaration originally contained in that clause the following—

"I (A B) do solemnly and sincerely declare, without any equivocation or mental reservation whatever, that I have not knowingly made, authorised, or sanctioned, and that I will not at any time hereafter knowingly make, authorise, or sanction any payment on account of my election otherwise than through the election officer, save as excepted and allowed by the 'Corrupt Practices Prevention Act, 1854.'"

The first object of the alterations which had been introduced into the declaration, by the insertion of the words "now or hereafter," was to prevent a candidate, some time after his election, repaying money which had been expended—perhaps without his knowledge—for purposes of corruption, by a friend or partisan. The other alteration was in the insertion of the words "otherwise than through the election officer," instead of "other than allowed by law." The object of this change was to make it more clear that the candidate or Member would not make any payment except through the election officer. Then, if he abided by that declaration, he could not bribe except through the election officer, which was of course out of the question.

MR. VERNON SMITH said, he did not see any material difference between the two declarations, except the word "hereafter," inserted instead of "now." Neither did he see any necessity for a second declaration, of which he found notice was given.

SIR FITZROY KELLY said, the intention of the word "hereafter" was to render subsequent payments, even years after an election, impossible. If the party adhered to that declaration he could not, consequently, bribe at all, except he bribed through the election officer, which would be impracticable.

MR. LABOUCHERE said, that the Committee had two questions to decide in reference to this clause. First, whether they should sanction the principle of calling upon a Member to make a declaration at the table of the House that he had been guilty of no misconduct at his election, the consideration of which might be postponed until they came to decide finally upon the clause. And the other question was, if they decided that there should be a declaration, what the form of that declaration should be. In his opinion, if they had a declaration at all, the one proposed was most inadequate for its purpose. Take the case of a candidate who was opposed by the son of a peer, or wealthy commoner, a declaration from his opponent that he had paid no money, except the legal expenses, would not secure him against the exercise of undue influence by the wealthy relations of such opponent. The declaration, to be of any real value, should be considerably wider in its application than was proposed by either of the forms suggested; it should go to the extent of declaring that no payment had been made either by the candidate himself or by any person on his account.

Sir FITZROY KELLY said, the case suggested by the right hon. Gentleman was expressly provided for by another clause, which rendered it illegal for any person, whether friend, relation, or stranger, to pay any money whatever towards the expenses of any election except through the election officer.

Lord JOHN RUSSELL said, he was anxious to have the opinion of the Chairman of the Select Committee (Mr. Walpole) on the Amendment. He concurred with the hon. and learned Gentleman (Sir F. Kelly) that it would not be well to extend the declaration so as to make the candidate declare that he did not know of any payment being made by others. He thought if they had a declaration, it should be as simple as possible—such as a man could make without doubt or hesitation, and, therefore, he preferred that proposed by the right hon. Gentleman (Mr. Walpole) to the one suggested by the hon. and learned Member for East Suffolk. He admitted that there were difficulties in the way of any declaration whatever; but as he believed it would tend to prevent the extension of corrupt practices at elections he should support the clause.

Mr. WALPOLE said, that he should have preferred the declaration as it originally stood in the Bill to the one now suggested. When this question had been previously mooted, it had been always said that any declaration must necessarily be vague, inasmuch as the law was not defined. Now they had defined the law and limited the expense to certain payments recognised by the law, and the candidate was required to declare that he had not knowingly made, authorised, or sanctioned, nor would he thereafter make, authorise, or sanction, any payment on account of his election, other than that allowed by law and paid through the medium of the election officer; that was, that he had not done, authorised, or sanctioned, and would not do, authorise, or sanction, any act of bribery, or any act that could come under the title of undue influence. In this way they had the means of ascertaining every payment made, and this was the object of the declaration. His only doubt was, whether they should adopt the declaration in the form proposed, or in the more limited form of simply declaring that no payment had been made by the candidate except through the election officer. For his own part, he objected to making a man make a declaration as to any act done by other persons, of which he might know nothing.

Lord JOHN RUSSELL said, he would suggest a verbal Amendment in the declaration—instead of "any payment other than that," to insert "any payment other than those," which was agreed to.

Mr. HILDYARD said, he thought the declaration should be confined to facts, and that the candidate should not be required to declare upon a matter of law, which he must do if called upon to say that he had paid only the legal expenses. It might so happen that a candidate making a payment in full confidence that it was legal, had afterwards reason to suppose that it was not legal, it would be hard to call upon him under such circumstances to make a declaration at the table of the House in the form proposed.

Lord SEYMOUR said, that, according to the clause, this declaration was to be taken twice—on the day of nomination and at the table of that House. Now suppose a Member were abroad when elected, or that he was elected for two places, how would it be possible that he should make this declaration on the day of nomination? Then with respect to the words "authorise or sanction any payment on account of my election," their interpretation must depend entirely upon the conscience of the man taking them. There was no doubt that a county Member, in that capacity, paid many subscriptions and contributed to many objects. Having done so, he could not, if a man of conscience, come and take this declaration. But he feared that the effect of imposing it would be to harden men's consciences, and that Members would be obliged to come to an understanding amongst themselves that these payments should not be considered as made "on account of my election," although there could be no doubt that they were made with a view to strengthen the position of a candidate or Member at his election. Now he thought that such an understanding would be quite discreditable, and would be injurious to the character, not only of that House, but of every gentleman in the country.

Mr. HENLEY said, he wished to know who was to tell what were the payments to be made on account of an election? There was no definition of these payments. He preferred the amended declaration to the original one, as it contained more certainty; but that declaration would, nevertheless, preclude from any payment except through the election officers, though such payments were authorised in another part of the Bill. The great difficulty in the case, however, was the definition of what were payments on account of an election.

MR. WALPOLE said, he had no wish to press words of his own; all he wished was to get the best form of words; and he should, therefore, support the Amendment as more to the purpose than his own declaration.

MR. VERNON SMITH said, he was opposed to any declaration whatever; but he certainly thought that the amended declaration was still more objectionable, because more stringent and more difficult to take, than the one originally inserted in the Bill. He must say that he thought it very impertinent to put the words "without any equivocation or mental reservation whatever" to any Member of that House. It amounted to making him say, "I declare so and so, and upon my word I am not telling a lie." The fact was, that these words were originally inserted in oaths in order to guard against the effect of certain opinions supposed to be held by Roman Catholics, but from which he did not think there was now the slightest danger. No one would think of asking or making such a declaration in private life. If the opinion of the House was with him, he would move the omission of these words.

MR. ROBERT PALMER said, that a common mode of corrupting voters was to lend them money, or to promise to lend them money, and this practice ought to be met by the declaration, if indeed, which he doubted, it was desirable to have any declaration at all.

SIR JOHN PAKINGTON said, he thought that the Amendment was more specific than the original declaration, and was therefore preferable to it. He certainly thought that when they imposed a bribery oath upon the electors they would not persuade the country that they were in earnest unless they also called upon the elected to purge themselves. If they had a declaration, he thought it ought to be made as solemn as possible, and therefore he saw no objection to the retention of the words "without mental equivocation or reservation." He thought, however, that the words "on account of my election" were fairly open to objection, because it was difficult to say whether many payments that hon. Members were called upon to make were or were not "on account" of their election. He would, therefore, propose to alter them to "on account of the expenses of my election." Those words could not be held to cover the subscriptions which Members were called upon to pay, or the other expenses which they incurred during the continuance of a Parliament.

MR. VERNON SMITH said, he did not think that the words "without any equivocation or mental reservation" added any sanction whatever to the declaration. He thought they were simply insulting, and that it was quite sufficient to call on hon. Members "solemnly and sincerely" to declare. He should persist in his Motion for the omission of the words in question.

MR. HILDYARD said, he also thought that it was desirable to omit the words in question. He considered that this Bill was not framed as if they were legislating for gentlemen, but on the supposition that, unless language of the most stringent nature was employed in every part of it, Members of that House would be always exercising their ingenuity to evade the obligations imposed on them by law. He must say he did not think it wise in the House to hold itself up to the country in such a light.

LORD JOHN RUSSELL said, he did not think it was open to them to object to the retention of these words on the grounds stated, namely, that because the House had already, on another occasion during the present Session, determined to retain them in the oath administered to its Members. He thought, however, that the objection urged by the right hon. Gentleman the Member for Northampton (Mr. V. Smith), that these words were originally introduced into the oath as a measure of precaution against persons who held certain doctrines, and that there was now no necessity for their retention, was well founded. He did not think that an inclination to make mental reservations was one of the prevailing sins of our times. Persons might break their oaths knowingly, but he did not think that any sect entertained the opinion that by a mental reservation they could make a false statement with a safe conscience. He thought it was quite sufficient to make a man say that he "solemnly and sincerely" declared.

MR. NAPIER said, that the words "without equivocation or mental reservation" were not in the oath taken by Members generally. They were only a part of the oath taken by Roman Catholics, who held the doctrines against which they were intended as a security.

Lord JOHN RUSSELL replied by reading, amidst considerable laughter, the oath taken by Members generally, Protestant as well as Catholic. It concluded by a statement that it was taken by the deponent "without equivocation, mental evasion, or any reservation whatever."

Mr. NAPIER said, he never objected to the omission of these words from the general oath. He only wished to retain them in that taken by the Roman Catholic Members.

Sir FITZROY KELLY said, that both himself and the right hon. Gentleman the Member for Midhurst (Mr. Walpole) were quite ready to consent to the omission of these words.

The words, "without equivocation or mental reservation" were accordingly struck out of the declaration.

Mr. BENTINCK said, he must urge on the Committee the necessity of defining the legitimate expenses of an election before proceeding further with the Bill. Unless that was done all discussions on the question were only so much lost time.

Mr. VINCENT SCULLY said, he would suggest that payments excepted in the schedule of the Bill, as made under a penalty less than forfeiture of the seat and invalidation of the election, should be referred to in the declaration.

Mr. AGLIONBY said, he regarded the words "at any time hereafter," as surplusage. The candidate swore "I will not make," and that was sufficient.

The words "at any time hereafter" were then struck out.

The ATTORNEY GENERAL said, he did not like the insertion of the words "on account of the expenses of my election." Bribery was not one of the expenses of a Member's election, and this addition to the declaration would be no protection against bribery.

Mr. HILDYARD said, it was notorious that Members incurred considerable expense in providing for the registration. These were expenses "on account of a Member's election," and so were subscriptions to charities, races, &c. What Member subscribed to these objects before he became a candidate, or when he ceased to be a Member? And to make such a declaration would require a great deal of mental reservation and equivocation. Unless a Member determined not to give one farthing which he would not otherwise give towards election expenses, charities, and races, he could hardly say that he had not and would not pay any money "on account of his election." It ought to be clearly understood whether such contributions as he had described were to pass through the accounts of the election officer.

Sir FITZROY KELLY said, that in consequence of some doubts of the nature expressed by his hon. and learned Friend, he had framed a provision, of which he had given notice. That provision was to the effect "that no expenses of or relating to the registration of electors, or any subscription or contribution made to or for any public or private or charitable purpose, shall be deemed election expenses."

Mr. LABOUCHERE said, he viewed with the greatest apprehension the effects of agreeing to such a declaration as this. Its effect would be, either to keep out all scrupulous men from seats in that House and to let in men of easy consciences, or else it would introduce a generally lax mode of taking this oath, which would have the worst possible effect on public morality, and lower the tone of that House as the first assembly of gentlemen in the country. The declaration was full of ambiguity. If they asked a man of honour to take an oath, they should take care no two men of honour could differ in the construction of it. But would any man say that any man of honour and conscience would not take that oath as it now stood in fear and trembling? This was a position in which no conscientious man ought to be placed. If the Amendment to insert the words "the expenses of" before the words "my election" were agreed to, then the oath would be nugatory and would open the door to a wide field of bribery. If the words "on account of my election" were retained, then he did not know what they meant, and they introduced ambiguity where the Committee were bound to avoid it. A Member of the Government usually had some little patronage at his disposal. Suppose he gave some little places to those who had voted for him. Was that bribery or not, or was it "on account of his election?" Payment by means of places was as much bribery as the payment of money, and was a Member of the Government who had procured a place as a messenger or some small place in the Customs for one of his supporters to be told he was a perjured man? Would not a Member who was asked for a place ask himself, if this declaration were agreed to, "Why do I give this place to this man?" Members commonly acted from mixed motives. They knew the voter, perhaps, to be a worthy man, and they believed he would discharge the duties of the situation in an efficient manner. But would they not ask themselves, "Am I sure that I should give this man a place if he did not happen to be a voter of the borough or county that I represent?" This was only one of a hundred questions of this character, and he protested against putting men of honour to the moral torture of coming to the table and swearing that they had not done, and would not do, a quantity of things that it would require a casuist to say they were not doing. He had been too long a Member of that House, even if there were no other motive, not to be very anxious about its character. The character of the House of Commons was one of the most precious possessions of the people of this country. But there was no better mode of degrading the character of Parliament than by passing a declaration which would have the effect of keeping out men of scrupulous consciences. He doubted very much whether the declaration would have any effect in preventing bribery. The subject had been a good deal discussed in that House, but all former Parliaments had invariably shrunk from imposing a stringent oath of this character upon Members coming to the table of that House.

THE ATTORNEY GENERAL said, he did not know a more efficacious mode of maintaining the character of that House than by preventing Members from taking their seats who had been guilty of bribery, nor did he know any better mode of accomplishing this object than by imposing a declaration like that in the Bill. An honest man would have no objection to take it, and, if it kept out those who had been guilty of bribery, so much the better. He could not understand how the declaration could keep out any scrupulous man who knew he had been guilty of no corrupt practices, and, as a Member of the Government, he certainly could not read the clause in the same way as the right hon. Gentleman who had just addressed them. Was it the opinion of any man who understood the English language, that payment on account of an election meant getting a man a place? Both were equally corrupt, but inasmuch as there were mixed cases, where the corruption was not the same, where the degradation of the voter was not the same, where the public service was to be done, there should be mutual concession, and Government should be allowed to distribute its patronage among those who did the work, unless, indeed, they used it in the manner of direct influence. It certainly was not included in the declaration. There might have been some difficulty with regard to the money expended in registration cases and charities, but that was to be removed entirely by a clause which it was proposed to introduce, and, although it was extremely desirable they should look closely into the terms of a measure of this kind, yet they ought not to be over-scrupulous, but leave everything to a fair remedy. He was astonished to hear his right hon. Friend (Mr. V. Smith) take the course of argument he had against the declaration, for he (the Attorney General) believed there were scores of men who would have little hesitation in committing bribery if there were no such declaration, but who would hesitate to do so if they had to come to the table of the House and make such a declaration as that proposed. They might feel little remorse for practising bribery, but if, after having resorted to corrupt practices, they should come to that House and make a solemn declaration which should afterwards turn out to be untrue, they would find they would lose the esteem of society, and that consideration would prevent them from becoming guilty, as it would enable them to make the declaration boldly and without fear of contradiction.

SIR JOHN PAKINGTON said, he thought the hon. and learned Gentleman had not been successful in disposing of the powerful observations which fell from the right hon. Gentleman the Member for Taunton (Mr. Labouchere). He did not understand that speech to be directed against the whole principle of a declaration, but in opposition to a vague and uncertain one. The right hon. Gentleman, however, had not convinced him that there ought not to be a declaration, for he believed, unless they did have one, this Bill would lose its value entirely. But he had conclusively established that it should be so clear and specific that men of honour could take it without danger to their consciences. He (Sir J. Pakington) had endeavoured to correct one objection, but after what had fallen from the right hon. Gentleman he would not press the adoption of the words the insertion of which he had moved, but would suggest to the noble Lord the President of the Council that, as it was so important they should come to some decision as to what course they would take, it would be better to withdraw the present terms of the declaration, to which so many objections had been taken, so as to reconsider its form and decide upon it on bringing up the report. By adopting that course they would see whether the declaration could not be directed specifically against bribery, and at the same time put in terms to which every conscientious man might assent, after which they might add words to the effect, that they would not pay the legitimate expenses of the election except through the election officer.

Mr. AGLIONBY said, he understood the right hon. Member for Taunton to object to the premature introduction of a question upon the declaration at all, and to suggest that they should first of all amend the clause, and then put the question whether the declaration should stand or not. It seemed to him the right hon. Baronet (Sir J. Pakington) had completely misunderstood the whole scope of the right hon Gentleman's argument, as in his (Mr. Aglionby's) opinion that right hon. Member objected most strongly to any declaration whatever. For his part, he hoped that in any Amendment of the declaration they would make it as clear and specific against bribery as possible, but he must express a strong opinion that, unless they insisted that a declaration should be made by Members of Parliament, the Act would not be worth a rush. They had most stringent clauses with respect to bribery and treating, and it would be a total dereliction of duty if they shrank from introducing the test of a declaration, which he considered absolutely necessary. An hon. and learned Member had asked, what was to be done with respect to registration expenses and subscriptions to local charities? The hon. and learned Member for East Suffolk (Sir F. Kelly) said, he thought that objection was completely answered by the exception of such expenses, but, in his opinion, nothing could be more inconclusive. There was nothing to prevent people making use of those registration expenses and charitable subscriptions as a means of securing their election. He considered such a practice would be wholesale bribery; the introduction of the proviso was, in his opinion, the worst part of the Bill, and rather than have it he would vote against the measure altogether. At the same time they were bound not to criticise words too minutely, but to do everything which would tend to put down the pernicious system of bribery and treating. After all the arguments they had heard, and the many difficulties they experienced in their attempts to put down bribery by enactment, he ventured to say that, sooner or later, hon. Members would come to the conclusion which he had formed long ago—that the only true remedy for bribery and its concomitant evils was vote by ballot.

Mr. J. BALL said, as the Bill stood there was a simple test which it was very undesirable to remove, in order to substitute another which would prove a trap for consciences. With regard to what had been said of charitable subscriptions, he really did not think the practice of subscribing to a Member's plate, at the county or borough races, would be so important or so universal as to interfere with purity of election.

Lord LOVAINE said, he considered the speech of the right hon. Gentleman the Member for Taunton unanswerable. They were told they were to make this declaration, and not to view it with too much astuteness; in fact, he supposed they were to view it by the light of a lawyer's conscience. Every speaker on the question had given a different interpretation of the clause, and he disliked quite as much a lawyer's cauistry as any other. In his opinion, if they adopted it at all, they should make the form of the declaration as positive as possible, leaving no means of equivocation; but it would be far better to take the advice of the right hon. Member for Taunton, and discard it altogether.

Mr. MONCKTON MILNES said, that if they were to admit a very large expenditure connected with the registration, racing subscriptions, charitable gifts, and matters of that kind, the declaration might assume a very doubtful and uncertain character, but otherwise he did not conceive it would have any particular bearing upon such cases. It was clear that the many noble institutions spread all over the face of the country ought not to suffer through a declaration of this character, and it was impossible for any one to represent a place out of the metropolis without entering into what might be termed local interests. But the question was by no means settled, whether the clause itself would be adopted, and it would be time enough to consider any Amendment after the principle had been affirmed. He believed their differences on this question were irreconcilable, that it was no mere quibble upon words, but a substantial difference of opinion. They must either take the declaration in its strict sense, or not at all; otherwise, it would be a great burden upon their consciences, occasioning them much trouble and distress of mind, such as no one had a right to inflict upon hon. Gentlemen in that House.

Lord JOHN RUSSELL said, he was rather sorry that the principle of the clause should have been so much argued, before the clause itself. At the same time, an important question had been raised by his right hon. Friend the Member for Taunton (Mr. Labouchere), and he could not refrain from replying with some feeling of misgiving to the objections urged by his right hon. Friend, as he had himself for many years been opposed to the introduction of any oath or declaration with respect to this subject; and that objection was a good deal founded on the nature of our laws regarding bribery. But when he heard the objections that had been made, he was obliged to ask the question whether the House of Commons, in passing a Bill of that kind, carefully considering all its provisions, really intended to make a law which should be effective or not? Because, if it was intended to be operative and effective, any Member of the House who should come in, having obeyed its provisions and conformed to its enactments, could have no difficulty in subscribing to a declaration of this kind. He would not have knowingly violated the law, or knowingly have been guilty of contempt of an enactment, to which, perhaps, he himself might have been opposed. But if, on the other hand, it was not the intention that any candidate or future Member should obey the provisions of this law, they ought not only to abstain from passing this law, but rather take the course of repealing those which now existed on the subject. If, however, their intention was to punish men who received bribes, which, perhaps, they intended to apply to the wants of their families, insufficiently clothed and fed, was it not inconsistent to say that Members of Parliament or candidates who bribed should not be subjected to penalties provided by the law for such an offence? Still, a declaration or oath which it was intended persons should take should be one that was capable of being clearly understood, and one which should be in conformity with the general sense and conduct of those who were to take it. For instance, the declaration it was formerly incumbent on officers of the Army to take, that commissions should not be sold or purchased below a certain price, was generally understood as not necessary to be observed. That was imposing a declaration which never ought to have been imposed, and he considered that it would be useless to enact the present law unless it were to be effective. But, it appeared their intention was that expenses incurred in elections were to be paid in conformity with the law, and that when a candidate believed certain payments were for bribing and treating, he should not make such payments, they being in direct contravention of the law. The proposal of the hon. and learned Gentleman (Sir F. Kelly) was a very specific proposal, because it went directly to the effect, that all payments made on account of an election were to be made through an election officer, who was to declare whether or no such payments were payments which he authorised and was ready to pay, or whether he did not allow them. It appeared to him to be a declaration which every man, as far as in his power and according to his conscience, who went into that House, obeying the law, could safely make, and, indeed, he did not see how any person who had obeyed the law could object to make such declaration. There could be no doubt that a general impression existed throughout the country that the expenses of elections had been the great means of corruption, and that there had been practices very scandalous and degrading, and injurious and derogatory to the character of the House, which ought not to be persisted in. It was very true that men might get elected in consequence of bribery and in violation of the law; and perhaps there never was a law passed yet but some men tried to evade it: still that would not be the case with men of any influence and character who were worthy Members of that House—they would be able to take the declaration with a safe conscience. They were told the character of the House would suffer if this declaration were imposed; but they might depend upon it, nothing could be worse for the House than when they came to question whether or not they should pass severe penalties against voters, and attempt at the same time to exempt the Members of the House from any inconvenience. He quite agreed with his right hon. Friend (Mr. Labouchere) that the words proposed by the right hon. Baronet opposite (Sir J. Pakington) "expenses of the election," were open to objection; and it did seem to him that, in order to specify as far as possible what it was they intended, it would be better to keep to the language in the former part of the Bill, which defined the expenses the candidate might pay, and provided for the sending in of the accounts to the election officer. With regard to what had been said about subscriptions to county balls, races, and charities, those charges were clearly not referred to in this clause; but, certainly, it would be in the power of an Election Committee of that House, upon a petition presented to them and an examination of the facts, to decide how far payments on that account could be considered bribery and corruption. He did not, however, think that the present declaration would have reference to such charges so as to prevent a Member from conscientiously taking it.

Sir JOHN PAKINGTON said, he would withdraw his Amendment.

Mr. HILDYARD said, when he first spoke he had put a question to the hon. and learned Attorney General with respect to certain payments, and he was told that they were to be excepted from the operation of the clause. In his simple judgment, they had by such a course not only rendered nugatory the whole operation of the Bill, but had actually pointed out to the electors how it could be evaded. He now came to another matter. The hon. and learned Attorney General had told them that the declaration would not apply to giving places corruptly. That was a very ominous statement, coming as it did from a Member of the Government and one of the law officers of the Crown. If it was necessary to have a declaration to put an end to corrupt practices, why did it not embrace that particular case? On looking to Clause 3, they found a definition of bribery, which included the agreement or contract for "any valuable consideration, office, place, or employment, before the election;" but, in the next section of the clause, which had reference to the receiving of the bribe after the election, those words were left out; and now the Attorney General said this declaration was not to include them; so that, in point of fact, while they made the declaration operative against every one else, it was to be ineffective against the great bribers, the Government. He challenged his hon. and learned Friend to point out any provision affecting them in the Bill, and, although it might be said that, if the patronage were taken away the Government could not be carried on, the hon. and learned Attorney General admitted it would be as base to bribe by means of an office or place as by money. If they were to have such a declaration, let it sweep the decks clear and include the Government. In order to test the opinion of the Committee upon this point, he should move the addition of such words as would carry out his view of this part of the question.

Amendment proposed, in page 12, line 21, after "1854," to insert the words—

> "And have not knowingly given nor will give any office, place, or employment to any voter or any other person in consideration of such voter having voted or refrained from voting at any Election."

Mr. HENLEY said, he did not think the part of the clause was reached where the Amendment of the hon. and learned Member could be proposed. The Committee was discussing a declaration which all admitted was not right in its present form, and yet no one had proposed anything which could render it more comprehensible. He agreed with the noble Lord (Lord John Russell) that no declaration should be put that the House did not understand. He denied, however, the noble Lord's further statement, that penalties were not imposed upon Members as well as upon voters; on the contrary, penalties, or rather oaths, were taken off voters, and were proposed, in the form of this declaration, to be placed upon Members. With all due deference to the noble Lord, he thought the words proposed by the noble Lord would be more objectionable than those of the right hon. Member for Droitwich (Sir John Pakington) which had been withdrawn. He did not think the clause should be persevered in without further explanation.

Mr. VERNON SMITH said, he thought the time was come to decide upon the principle of the declaration. He denied the proposition of the noble Lord that there were no penalties on the candidates. There were, on the contrary, not only pecuniary penalties, but disabilities enough to terrify any man. Let them look not only at the pecuniary penalties, but to the disabilities they incurred. The first time the Member contravened the Act he was subjected to exclusion of seven years, and the second time for life. On a comparison of penalties, he found that there was an enormous difference against the candidate, as contrasted with the voter. But they were arguing the question of declaration, and not of penalties. He contended that the declaration would be utterly useless and futile for any good purpose, and would be only the means of placing the Member in a very invidious position, if, after having made the declaration, a petition, which might after all turn out groundless, were presented against him. Time was when it was usual to take the word of an hon. Member who rose in that House for the truth of his statement, but now, he supposed, the next thing would be that their time would be occupied in receiving and discussing petitions, accusing hon. Members of having spoken falsely. It was intolerable that they should waste so much time in discussing Amendments to a declaration which no one would adopt. The declaration itself was nothing more than the stringent oath embodied in the Bill of the hon. and learned Member for East Suffolk (Sir F. Kelly), but dwindled and refined down to such tenuity that it might easily be taken by any person possessed of what the noble Lord had once happily termed "a robust conscience."

MR. NEWDEGATE said, he wished to remind the Committee that the making of the declaration was similar to a plea of "Not Guilty" in criminal law, and merely signified that the accused wished to be put upon his defence. If, therefore, a Member conscientiously refused to make the declaration, it would be tantamount to preventing him from properly defending himself before the courts, should any claim be made against him. It would, therefore, operate most unjustly.

MR. J. D. FITZGERALD said, he would propose that the Committee should decide at once whether the declaration was to be adopted: verbal Amendments could be made afterwards, if deemed necessary. He thought legislation on the subject of election expenses would be idle unless it was accompanied by a declaration. A pecuniary penalty would be willingly paid in cases where candidates would hesitate in submitting themselves to the risk of prosecution for misdemeanor.

MR. GOULBURN said, he agreed that the most expedient course would be to decide as to the declaration. He should vote against the declaration without hesitation when the time arrived for taking the opinion of the Committee on the subject.

MR. ROBERT PALMER said, he thought the Amendment of the hon. and learned Member for Whitehaven fell short of the fact. He should support it, however; but he thought it ought to comprehend all offences included in Clause 2 of the Bill.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 120; Noes 128: Majority 8.

MR. ROBERT PALMER said, he would now move to add to the clause the following words—

> "Nor have done, nor will hereafter do, any act contrary to the provisions contained in Sections 2 and 4 of this Act."

He had reason to believe that many hon. Members who voted against the last Amendment would have supported it had it had a more extended operation. He believed, however, that the wording of the present Amendment was sufficiently large to include everything against which it was desirable to obtain the declaration of an hon. Member.

LORD ROBERT GROSVENOR said, he must appeal to the hon. Gentleman to withdraw the Amendment, because, if the Committee should determine to retain the declaration at all, he would have two other opportunities of moving Amendments upon it.

MR. COBDEN said, he had voted against the last Amendment because it only applied to the case of Members of Government who gave places, but did not extend to the case of Members of that House who procured places. The present Amendment, however, seemed to include both, and he should therefore support it.

Amendment *agreed to.*

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 138; Noes 119: Majority 19.

Clause *agreed to.*

The House resumed.

Committee report progress.

VOTE OF CREDIT—QUESTION.

MR. DISRAELI said, it would be very convenient to the House if the noble Lord the leader of the Government would say when he would lay on the table an estimate of the amount required in the form of a Vote of Credit for the expenses of the war, and when he would propose to take it into consideration.

LORD JOHN RUSSELL said, that some misapprehension seemed to have existed on the subject. In conformity with the usual practice, a Message would be sent down from Her Majesty to that and the other House of Parliament. In pursuance of that Message he would propose on Monday next, as was usual in time of war, that the Vote of Credit be granted to the amount of 3,000,000*l.* He did not think it would be necessary to lay any estimate on the table; but his proposal would be that a Vote of 3,000,000*l.* be granted for the purposes of the war. With reference to a question which had been put to him the other night, he might state, that it would not be necessary to take any Vote in Committee of Ways and Means, the Votes already granted by the House being sufficient for the present.

Mr. DISRAELI said, he wished to know whether it was to be understood that the Royal Message would be taken into consideration on Monday?

Lord JOHN RUSSELL: The Message will come down, probably, to-morrow, and will be taken into consideration on Monday.

BRIBERY, &c., BILL.

Order for Committee read.

House in Committee.

Clause 34 (Election Officer, how paid).

Sir FITZROY KELLY said, it had been suggested that some provision should be made for the payment of the election officers and other reasonable expenses, and to meet those wishes he had drawn up a few words to be inserted at the end of Clause 34 to meet this point.

Amendment proposed, in page 13, line 3, to add at the end of the Clause, the words—

> "And the reasonable expenses incurred by the Election Officer in the business of the Election and the performance of his duties pursuant to this Act, shall form part of the Election Expenses, and shall be paid rateably and proportionably by the Candidates respectively."

Mr. BENTINCK said, this Amendment would leave the relations between the election officer and a candidate in a very unsatisfactory state. There was nothing in the Bill to determine what was reasonable or not. What the election officer might think a reasonable charge the candidate might think unreasonable. He considered there ought to be some power of determining questions that might arise as to expenses between candidates and election officers. He thought the sum for election officers too small considering their responsible duties, and that it was advisable to get a superior class of persons to fill those posts. He also thought it was highly objectionable in principle that candidates should be called upon to pay the expense of election officers. These officers were for the good of the country, not for the good of the candidate, and ought to be paid out of the borough rate, or county rate, as the case might be.

Mr. GRANVILLE VERNON said, he thought the clause relating to the payment of advertisements ought to be made more definite. He also thought the sum named in the clause was sufficient.

Mr. VINCENT SCULLY said, no one had been named as the party who was to determine what were legal expenses. His great objection to the Bill was, the unsatisfactory mode in which the clauses were framed.

Mr. W. WILLIAMS said, that the Bill had been drawn up with great care by some of the most eminent lawyers in the House, the Members for East Suffolk, Midhurst, and Bath, and by the Attorney General; and he believed with an anxiety that it should be effective for its purpose.

Mr. ELLIOT said, he would suggest that the charges of the election officer should be subjected to the revision of the returning officer.

Lord HOTHAM said, his feeling was, that if they were to have an election officer at all, they ought to have the office filled by one of the most respectable individuals in every borough or county. It appeared to him, also, that 10*l.* from each candidate would be a paltry remuneration for such an officer; for it would be perfectly absurd to expect that any respectable man would consent to receive such a sum for the invidious duties he would have to discharge. He did not think such an officer would be overpaid if he received 100*l.*, instead of 10*l.*; and, if no one else did it, he would, at a future stage, propose that the remuneration to election officers should be 100*l.*

Mr. HENLEY said, he wished to know whether the noble Lord meant that each candidate should contribute 100*l.*?

Lord HOTHAM said, what he meant was, that the 100*l.* should be paid rateably among the candidates.

Mr. HENLEY said, he apprehended they could not now take that proposition into consideration, seeing that they had already gone beyond that part of the clause. With respect to the question immediately before the Committee, he should prefer leaving it to the tribunals of the country, rather than to the returning officer, to say what expenses were reasonable. There was also another point of some importance. He should like to know at what time of the election this fee—whether of 10*l.* or 100*l.*—was to be paid to the election officer? At present a man of straw was often proposed as a candidate at an election, and he was required, with the other candidates, to pay the returning officer his share of the necessary expenses. Would such a person likewise have to pay 10*l.* down to the election officer? He (Mr. Henley) thought he should do so, for, otherwise, the man of straw might go away before the election, and they had already defined a candidate to be, not only a man who is nominated at an election, but one who might be about to be nominated.

Mr. GOULBURN said, he would put another case. One or two gentlemen at an election for a county might set up a gentleman as a candidate without his knowledge or his consent, and as the Bill stood at present a gentleman so proposed would be obliged to pay 10*l.* to the election officer. He thought that unreasonable.

Mr. BENTINCK said, his objection throughout had been the entire want of security provided by the Bill, both as to the ability and the character of this election officer. He thought, with regard to the suggestion of his noble Friend (Lord Hotham), that 100*l.* would be an enormous amount of remuneration for the kind of person likely to be appointed to the office.

Mr. GRANVILLE VERNON said, a candidate frequently came down to a borough and went about canvassing the electors for a few days, when, finding he had no chance of being returned, he retired, but without incurring any expense. Now, he wanted to know whether such a person would be bound, under this clause, to pay 10*l.* to the election officer, who would have nothing whatever to do for him?

Mr. VINCENT SCULLY said, that would depend altogether on the definition which the Committee might give to the word "candidate" in the interpretation clause. He was convinced that this election officer would have the candidate more in his power than the returning officer had at this moment. He would ask the hon. and learned Gentleman (Sir F. Kelly) whether, if the election officer for East Suffolk charged him 500*l.* as his expenses at an election, the hon. and learned Gentleman would venture to call him to account for it; and if he did so, would he dare to go further, and bring the matter before a legal tribunal? He thought the hon. and learned Gentleman would never venture to do either the one or the other. He agreed with the hon. Gentleman (Mr. Bentinck) that the election officer ought to be a man of the greatest competence and respectability; but the only men fit for the office, namely, the County Court Judge in every English county, and the assistant barrister in Ireland, were those against whom the Committee appeared to have the most prejudice.

Mr. HEYWORTH said, he must contend that when a man came into Parliament and voluntarily gave up his services and his time to his country, it was neither just nor reasonable that he should be subjected to an impost like that under discussion, and that the fairer course would be to charge the remuneration of the election officer on the county or borough rates.

Mr. BIGGS said, he would suggest that, instead of two per cent, the election officer should be allowed five per cent commission. In this case, if there were four candidates, and the expenses of each were 300*l.*, the election officer would receive 15*l.* commission, and 10*l.* from each candidate, which, together, would amount to the sum mentioned by the noble Lord (Lord Hotham).

Mr. NEWDEGATE said, he could not conceive why a candidate should be called on to pay any part of these expenses at all.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 88; Noes 56: Majority 32.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 103; Noes 47: Majority 56.

Clause added to the Bill.

Clause 35 *agreed to.*

Clause 36 (the Interpretation Clause).

Sir FITZROY KELLY proposed to alter the definition of candidates. The clause provided that a candidate at an election should mean and include all persons elected as Members to serve in Parliament at such election, and all other persons who had been or were about to be nominated or proposed as candidates at such election. He proposed to strike out the words "mean and," and also the words "or are about to be," and after the word "proposed," to insert the words "or who shall have declared themselves to be candidates."

Amendments *agreed to.*

Mr. BONHAM-CARTER proposed to insert, after the words, "have declared themselves candidates," the words "at or before the election."

The insertion of the words having been agreed to,

Mr. HILDYARD said, that the adoption of that Amendment superseded the necessity of the one suggested by himself.

Sir FITZROY KELLY then proposed to strike out certain words in the latter part of the clause, so as to make the words "personal expenses" include all reasonable travelling expenses of the candidate generally.

Words *struck out.*

Mr. PERCY said, he wished to ask the hon. and learned Gentleman the Member for East Suffolk, whether the expenses of chairing were among those personal expenses which would be illegal under the Bill?

Sir FITZROY KELLY replied in the negative. In the Bill which he had the honour to introduce, he proposed to render the expenses of chairing absolutely illegal. That clause was not in the present Bill, but he doubted very much whether the expenses of chairing were or could ever be considered legal, and they certainly could not be included in the words "personal expenses." He would be ready at any time to speak and vote in favour of a proposition prohibiting chairing expenses altogether. He had himself on one occasion paid a sum so enormous for chairing, that he feared the Committee would hardly credit him if he were to name it.

Lord ADOLPHUS VANE TEMPEST said, he hoped the hon. and learned Member for East Suffolk would again bring forward his clause relative to chairing and bands.

Mr. W. WILLIAMS said, there was one expense necessary to be incurred before the election officer appeared upon the scene—that of postage. [*A laugh.*] Hon. Gentlemen might laugh, but in large boroughs, such as that which he had the honour to represent, the expense of circulating addresses among the electors amounted to a very large sum. In his own case it cost 100*l.*, and he thought that item of expenditure ought to be authorised.

Sir FITZROY KELLY said, the expenses in question were provided for in a clause of which he had given notice, empowering candidates to pay all such expenses as they *bonâ fide* thought ought to be paid in ready money before the election, but requiring them, of course, to render an account of all such payments to the election officer.

Clause *agreed to.*

Lord ROBERT GROSVENOR said, he would now bring forward the clause of which he had given notice. He presumed that when that House entertained the three Bills that were brought forward on the subject of bribery and corrupt practices at elections, and referred them to a Select Committee, it intended to do something more than merely to consolidate the law, because the uncertainty of the law, the impossibility of knowing what a person might do, or might not do, was one of the evils complained of. Now, what were the facts of the case? After the last general election they had upwards of fifty Election Committees, and between 250 and 300 gentlemen were employed for a vast number of days endeavouring to settle some of the most perplexing questions possible, many of whom ended their inquiries without being sure whether they had decided right or wrong. No fewer than forty Members lost their seats, nine writs were suspended, the country was put to the expense of several Commissions, and a great deal of discredit was thrown upon that House, upon a large portion of the electoral body, and upon the whole institutions of the country. He was afraid that the law would not be made much better by the present Bill. They had, it was true, put a check, or thought they had put a check, upon some of the expenses connected with an election, by the creation of an election officer; but the uncertainties of the law still existed, and he apprehended that they would be, if possible, increased by the enactments of the present Bill. That being the case, he would beg to be allowed to lay before them a few facts with regard to the expenditure at contested elections. He would not go to Yorkshire, where 250,000*l.* was spent in one election; nor to Northamptonshire, where three noble families were reduced to the verge of ruin by the expenses of an election; but would refer to elections which had occurred recently, and which were within their own cognisance. In 1846, the election for the county of Middlesex cost 13,000*l.* to the three candidates, and the contested election for the northern division of Lincolnshire cost one candidate alone 15,000*l.*, and the three candidates together 23,000*l.* In that division of Gloucestershire which was contested the other day under the new Act, the election cast 10,000*l.*; and to come to the county in which he resided, the cost of the elections for the last few years amounted to the enormous sum of 30,000*l.* Nobody would venture to say that such a state of things ought to continue. Such a vast expenditure could not be incurred without a great deal of unfair and improper influence being used, and the result in many instances had been that the man with the largest purse was usually sent to Parliament. He would mention two very curious cases which had occurred. The first illustrated the question of refreshment tickets. There was a county returning three Members. Three gentlemen stood on one side and only one on the other, and it was agreed that each should give a 5*s.* ticket for refreshments. Accordingly, the three candidates who represented the same interest each gave a 5*s.* ticket, and the other—the opposing candidate—did the same, so that the elector who voted for the former got 15*s.*, while he who voted for the latter obtained only 5*s.* Of course, the three candidates were returned. The other case illustrated the point as to the expenses of conveyance. There was a borough in which it was the custom to give the voters 2*l.* 2*s.* each as head-money. Upon one occasion, the candidates decided that they should give the head-money no longer; but the electors refused to go to the poll, and the candidates hit upon the following expedient—each voter had a cab sent to his house accompanied by a servant, and all the members of his family, himself included, were driven to the polling-booth. There could be no doubt that, if such expenses were allowed to go on, they would continue to be used for corrupt purposes. Some hon. Gentleman had talked of the loss of time of the voter in going to the poll, but he could not comprehend how any man who estimated the possession of the franchise could feel it to be a grievance to be required to come to the poll once in three or four years. Some hon. Gentlemen were also haunted with the notion that, if the expenses of an election were abolished, the House would be invaded by a host of adventurers, who by giving large promises would obtain seats in the Legislature. All he could say was, that having had much experience of popular constituencies, that provided a man's character would stand the test of public scrutiny, the fact of his being a gentleman of independent fortune was a positive passport to favour. Upon what conceivable principle, except that of vicious practice, could they saddle a candidate with the personal expenses of a voter? Let the candidate pay his own personal expenses—let the voter pay his—and let the county or borough pay that which properly belonged to it. Whether his clause was agreed to or not, he hoped the Committee would, at least, declare its opinion upon the subject, so that some clue might be given to the members of an Election Committee as to how they were to decide upon the case of a controverted election when it came before them. The question was surrounded with great difficulties, but they never would escape from those difficulties unless they based their legislation upon some sound and intelligible principle, such as that contained in the clause which he had now the honour to propose.

Clause (Every person who shall advance or pay, or cause to be paid, any money for the purpose of defraying the expenses of the conveyance of any Voter to or from the Poll, or for the refreshment of any Voters on the day of nomination, or between that day and the day after the declaration of the Poll, shall forfeit the sum of fifty pounds to any person who shall sue for the same, together with full costs of suit),—*brought up*, and read 1°.

Mr. J. BALL said, that the expense of refreshments was voluntarily incurred, and was not by any means necessary for the exercise of the elective franchise. But the question of conveyance was totally different. In many of the Irish counties, the effect of the proposed clauses would be to place in the hands of the wealthier classes the power of carrying the elections, for large numbers of the voters lived at considerable distances from the polling places, and the expense of going to the poll was, to such poor men, a very serious matter. The expense of removing electors from one street to another in boroughs ought to be declared illegal, but to extend the same prohibition to counties would not conduce to that freedom of choice which the noble Lord wished to secure to the voters.

Mr. HEYWORTH said, he was in favour of the principle of every voter paying his own expenses. Some few might be prevented from voting on this ground, but the way to remedy that would be to give universal suffrage.

Mr. ELLIOT said, he thought that in Scotland there would be great difficulty in bringing voters to the poll—a distance of perhaps fifteen or twenty miles—without an allowance for travelling expenses. Universal suffrage would be no remedy for this evil; it would merely increase the numbers who suffered from it. If the ticket could be got rid of altogether, he thought it would be a great advantage; but he did not see how it was to be done. He represented a place where many of his constituents resided in England, and he should be glad to see a law passed preventing non-residents from voting.

Sir FITZROY KELLY said, he hoped that the framers of the Bill would no longer be charged with the undue severity of their measure; for no clauses could be devised more severe or more oppressive in their operation than the one just proposed. The effect of it would be, if enacted, to render absolutely illegal these expenses, as also to subject to pecuniary penalty, as well as to penal action, every person who might make the smallest payment for travelling or refreshment expenses for a single voter, no matter the peculiarity of that voter's case. The present state of the law rendered it absolutely necessary to settle the question. On one side they had the high authority of Lord Lyndhurst, that moderate payments for refreshments and travelling expenses to voters coming from a distance were not illegal either by the common or statute law; while, on the other hand, they had the opinion of the Attorney General, that all such payments were altogether illegal. It was well known that at every election some expenses of this kind were incurred. Suppose after the next general election, petitions were presented complaining of them, in one room counsel might rely on the opinion of the Attorney General, and if there was the slightest feeling against the sitting Member, he was sure to be unseated; whilst in the very next room, another Committee would avail themselves of the authority of Lord Lyndhurst, to retain a certain gentleman in his seat. Such a state of things ought not to exist, and the proposal of the noble Lord, or some other, should be adopted. In deciding on this question, they should look to what public opinion was; no person could assert that public opinion was against these payments, for there had not been an election in the country for many years past at which they had not been made. So long as the law forced persons to come from a distance to give their votes, so long ought these payments to be allowed within reasonable limits. A measure had been proposed to the Select Committee, to enable every man to give his vote at his place of residence, wherever it might be; he hoped that would eventually become law; but until it did these tickets must be sanctioned. He was entirely against legalising the giving refreshments to any voters, except those coming from a distance; but in every county of England there were a large number of persons who could not come to the poll unless they received a reasonable sum for their expenses. To refuse it to them would be to disfranchise one-fourth of the constituency of England; he, therefore, could not support the Motion of the noble Lord.

Mr. COBDEN said, he had watched with much interest the proceedings of the hon. and learned Gentleman in his somewhat novel character of reformer and purifier of our election proceedings; but he should be sorry if the Committee was induced to affirm the proposition he had now laid down, and deeply regretted that he had ever touched the question at all. If they attempted to legislate with no better definition than reasonable and unreasonable expenses, they would be opening a door to every conceivable excess and corruption on the day of election. What was reasonable for one man, who could carry off two bottles of port wine without being in the least excited, would be very unreasonable for another weak-headed man, who would be rolled in the dust by half a bottle. And how would an Election Committee decide what was reasonable for a thirsty man, and for one who had not the least appetite for drink? To legalise this definition of reasonable and unreasonable would do more harm than if they never touched the question at all. He was confident the Bill would never pass with a clause affirming the legality of giving reasonable refreshment on the polling day. The other proposal with regard to the hire of carriages might require more consideration. All admitted that it was in harmony with the Bill to prevent this small species of bribery; it was in harmony with the principle they had laid down in prohibiting the giving of a yard of ribbon for a cockade, and preventing the employment of any agent, poll-clerk, or messenger who was an elector. They were not dealing with a weekly, a monthly, or even an annual event, but with a case that arose on an average once in about three years. Once in three years the electors of this country, intrusted by the Constitution with supreme power over the empire, were called upon to exercise their high function by voting for representatives in that House. They were involved in a certain amount of trouble in going to the poll; but what did it amount to? Take a county election. The polling districts, on an average, were not seven miles in diameter; and that did not imply that the elector had to walk or ride seven miles, but only three and a half. Would it be contended that the electors, the privileged class in this country, people who were held out as, *par excellence*, in an independent condition, and fit to be intrusted with the power of choosing representatives for their fellow-countrymen, were not able, once in three years, to go three miles and a half to give their votes? In counties the polling places were always in towns, consequently the dense population of the county was clustered round the polling places. Then the facilities given by railways enabled these poor, helpless people, who could not walk, to perform their duty. Nearly every town in the kingdom had now a railway in connection with it; and a parliamentary train ran on each line every day at a penny a mile; so that actually for 3*d.* or 4*d.* this poor elector might go from his residence to the polling place to give his vote. Was it necessary, for the sake of this miserable pittance, to violate the principle of this Bill by introducing the proposed system? It would be degrading the elector to allow him to be paid by Act of Parliament for exercising his high functions. But there was another objection to the hiring of carriages on the day of election, it was made a source of bribery to those who had votes to give. How was it with the car-owners in Ireland, with the cab and omnibus proprietors in England? It was a regular and systematic mode of bribery. As soon as the day of election was named, there was a scramble between the two parties which should get possession of the carriages. As a consequence, the price was raised; and very often the raising of the price was an obstacle to the voters getting up to the poll at all. The voters were persuaded to wait till they were sent for; it often happened that the committees could not get the carriages on account of the competition, or the drunkenness and inattention of those having the control over them; and the price was so raised that the voters could not hire for themselves. When they proposed to prohibit every species of bribery, they should also prohibit that of bribery by cabs and carriages. It was said that if this system were not allowed, none but rich men would be returned for the counties; that the rich men had got all the private carriages, and the farmers the horses, which they would lend for the conveyance of voters; but that the friends of the poor candidate having no carriages to lend, his supporters would be unable to come up to the poll. But it was not usually poor and rich men who were pitted against each other on the day of election. Ordinarily the contest was between the propertied classes, Whig and Tory generally, though they were pretty much merged into one now. They had proprietors and rich men on both sides. He warned the country Gentlemen that the system which they supported was not calculated to maintain their influence, but rather to bring in the parvenu millionaire whose long purse enabled him to bear the expense. Gentlemen of old family, who had traditional influence, were mistaken if they thought they served their interests by encouraging enormous expense. It would be better for them to depend on their traditional influence, which gave them a hold on the constituency. For example, he would take the county he himself represented. It contained 36,000 electors. Suppose the principle of giving refreshment was once recognised, and that every Yorkshireman who came to the poll was to receive even the smallest sum suggested by any Gentleman—two shillings—it gave a sum of 3,600*l.*; add to this the travelling expenses. In some counties, he believed, the voters require carriages and four; but, setting it down at the sum of 2*s.*, this would require 3,600*l.* more, making a fixed charge of 7,200*l.* at every election for the West Riding, independent of all other expenses. He warned the county representatives of the danger that threatened them. He agreed with the hon. and learned Gentleman (Sir F. Kelly), that it was important that the question should now be settled; but if it was to be settled by affirming the principle that a candidate might pay for the travelling expenses and moderate refreshment of the voters, he hoped the Bill would never pass that House. The principles of the hon. and learned Gentleman might be affirmed in Committee, but he hoped that in a future stage the clause would be rendered inoperative, or the Bill be rejected altogether.

SIR JOHN WALSH said, that whatever decision the Committee might arrive at on this subject, whether to pronounce these expenses illegal or otherwise, it was incumbent on them and would be a great boon to candidates, that the law should be positively determined, and not left in its present discreditable state of uncertainty. The same authorities, and very high ones, which had determined that travelling expenses were legal, had determined that refreshments were illegal, and he regretted that the noble Lord (Lord R. Grosvenor) had not kept these two questions separate. He understood that the opinion of the hon. and learned Gentleman the Attorney General was different—that he had expressed it as his opinion that moderate travelling expenses were legal, but that the giving of refreshments was illegal. The Southampton Election Committee, on which he had the honour to sit, unanimously came to the decision that travelling expenses were legal. If the hon. and learned Attorney General had been tried and judged according to his own opinion, he would not now be sitting for the borough of Southampton. He (Sir J. Walsh) had suggested that the Committee should come to a resolution on the subject, but he had been met by the argument that the opinion of Committees on the subject were so contradictory that it would be useless to do so. That showed the importance of their coming to some decision on this question. Not only did they think in the case of the Southampton Committee that moderate travelling expenses were legal, but they were also of opinion that some moderate sustentation of the voter was permissible. The Committee in that case being unable to fix the law, he thought it extremely desirable that it should be now decided and set at rest. He feared if they made all travelling expenses illegal, that the practical effect would be to disfranchise many persons. There were a large class of persons who would not incur the expense of travelling any distance merely upon public grounds. He was ready to agree with the hon. Member for the West Riding (Mr. Cobden) that where the distance was only three and a half to seven miles the candidate ought not to pay anything towards travelling expenses. The average distance, however, was much greater; and there was a large class of non-resident voters who might have to come from very remote places, and who would certainly expect to have their expenses paid. If the two questions, of travelling expenses and refreshments, were separated, it would, in his opinion, be far more convenient and far more just. With regard to the latter point, he had always felt that the House of Commons, in its desire to put down anything like bribery, had reversed the principle always applied by that House to cases of corruption and bribery. There had been a tangled web of legislation adopted, and the decision of the question had been referred to a tribunal avowedly partial. He believed the candidate, in giving a moderate refreshment to the voter, had not the slightest idea of corrupting him. It was a practice consecrated by custom, and sanctioned on the ground of hospitality, and he hoped the Committee would pause before they pronounced this practice illegal.

THE ATTORNEY GENERAL said, he was desirous of saying a word upon the matter after the pointed manner in which his opinion had been referred to by the hon. Member for Radnorshire. He adhered to what he had before stated, that, as regarded travelling expenses, express decisions of Committees of that House had determined that such payments were legal, but with respect to refreshment tickets he was of opinion that the payment came within the terms of the Treating Act, and was therefore illegal. With regard to the payment of travelling expenses, no one in that House or out of it would be more cordially satisfied with a declaration or enactment that such payments were illegal than himself. Although the decision of the Committee upon the Southampton Election Petition was strongly in favour of the legality of such payments, his own doubts were such that a week anterior to the election, when it was proposed to have the out-voters up to vote, he declared he would not have them. They were, however, brought in without his knowledge, and payments made on their account without his consent, by which means he was involved in the expense and annoyance of an Election Committee. In his opinion it would be desirable to strike all out-voters from off the register for boroughs. Such a course would limit the expense, and be beneficial to candidates. Counties stood upon a different footing in this respect. Still the more that House instilled into the minds of the electors of England the importance of the franchise intrusted to them, and convinced them that it was a trust upon the proper discharge of which the well-being of themselves and their country depended, the more would purity of election be promoted. But so long as they were paid for their votes in the shape of travelling expenses and refreshments, they derogated from the value of the right. As he wished to see all such expenses abolished, he should support the proposition of the noble Lord.

MR. WALPOLE said, the Committee seemed to be agreed upon one point, namely, that this question must be settled. Certain tests, therefore, must be applied to know how it should be decided. The Bill was framed for two purposes—to diminish expense, and to prevent corruption at elections. Consistently with these two objects, the Committee would agree that no impediment or obstruction ought to be interposed to the discretion of voters in the exercise of their franchise in favour of the candidate for whom they intended to vote, provided they were not influenced to do so by any corrupt motives. Taking this test, he could not see how the Committee could assent to the noble Lord's proposition; and if they could not assent to it, they must be driven to the other alternative of legalising travelling expenses and refreshments in some way. How, might be open to considerable doubt. In respect to travelling expenses, it was clear that, by refusing to pay them, the number of voters brought to the poll would be diminished. Although there were lines of railway intersecting the kingdom, they only afforded facility of communication to certain towns, and not to electors in distant districts. It was perfectly clear that the mere payment of travelling expenses would not tend to increase corruption at elections. It was only in those cases where more was given than was necessary to bring the voter to the poll that the voter was corrupted. With regard to travelling expenses, he felt no doubt whatever, if the alternative was to allow or disallow them, they must allow them, because the disallowance would be to disfranchise half the voters for counties. The hon. Member for the West Riding (Mr. Cobden) said there were 36,000 voters in that district, and the allowance of 2*s.* a head for travelling expenses, and 2*s.* a head for refreshment, would impose a cost upon the candidates of upwards of 7,000*l.* Assuming that 20,000 out of the 36,000 received the 2*s.*—and that was an extravagant estimate—the sum expended would be only 2,000*l.*, and, divided among four candidates, would be only 500*l.* each. He would put it to any county Member whether, in the present uncertain state of the law, he would not think himself well off with a payment of 500*l.* for refreshment expenses? By allowing refreshment expenses to a limited amount they would not add to corruption. No man would poll for a certain candidate because he received 2*s.*, but because he preferred that candidate to any other. Since it would neither add to the expenses of the election nor increase corruption, to allow reasonable expenses for travelling and reasonable expenses for refreshment, the proper alternative, in his opinion, was to allow them. If they disallowed them, they would make the law antagonistic to the general feelings of the people of this country; the law would become worse than nugatory; every one would endeavour to evade it, and more stringent legislation would be necessary, for the present Bill would then utterly fail in its object.

LORD JOHN RUSSELL said, he must confess he had very great doubts with respect to the clause now under consideration. He agreed with the right hon. Gentleman opposite (Mr. Walpole) that it did seem to be the opinion of that House, and he could not but say it was a very reasonable opinion, that, as they were making a new law on this subject, candidates and the country generally should be informed whether the expenses of refreshment and travelling were to be considered legal or illegal. As he understood his hon. and learned Friend the Attorney General, it had been frequently decided that travelling expenses which were *bonâ fide* the expenses of bringing persons to the places of polling, were legal expenses, and that, in his opinion, any payment for refreshment came under the words of the Treating Act, however conflicting later decisions had been. There appeared to him to be a difference between the question of travelling expenses and the question of refreshment. A poor man, living some miles from a polling place in a county, might very well say, "I cannot put such a value on my franchise that I can afford not only to lose my day's wages, but to spend money for the purpose of being conveyed to the place of polling." He thought, in that case, it was not unreasonable that others, and even candidates, should provide the expense which the poor voter could not afford himself. He, therefore, could not give his vote for the proposition of his noble Friend (Lord R. Grosvenor). He thought the question of refreshment, however, was of a totally different character, because, after all, the expense of a man's daily food was an expense defrayed by him, and an expense which, at all events, he need not call on the candidate to defray; as it was more than probable that he and his neighbours meeting together might be able to take such refreshment as was necessary. Though he had endeavoured as far as possible to bring his mind to consider that some provision of the kind ought to be introduced, he could not concur with the right hon. Gentleman opposite that it would not lead to any corrupt expense. It was quite true, if they continued a practice which had been usual, of the candidates furnishing refreshment expenses, and if they limited to 2*s.* what had hitherto cost 5*s.* a head, they did not introduce any corruption. But there were numbers of cases in which it had not been the practice to allow a sum for refreshment, where persons had been accustomed to go to the poll and did not receive any allowance whatever. Immediately Parliament said 2*s.* should be allowed for the purpose of refreshment, numbers of men who would now never think of claiming a single farthing, but would go and give their votes and return to their own dwellings without calling on any candidate for payment of refreshment, would say, "After all, it is a legal payment; it is not a gift or any act of generosity on the part of the candidates; it is found in the Act of Parliament, and we have a right to be paid." He should be afraid, therefore, an element of corruption would be added, and though for some time he was inclined to vote for a clause of this kind, on the whole he had come to the conclusion that it was desirable to allow travelling expenses, but that it was not desirable to allow the expenses of refreshment, and that to make the law more clear, a clause should be inserted, declaring that such expenses came within the provisions of this law. That was the conclusion as to the best course to pursue which he had come to after great hesitation and consideration.

Mr. WILKINSON said, that the multiplication of polling-booths ought to render the payment of travelling expenses quite unnecessary. He had no faith in this new attempt to put down bribery and corruption, of which they would never see the end until they adopted the ballot and largely augmented the franchise.

Mr. NEWDEGATE said, he thought the hon. Member for the West Riding (Mr. Cobden) was guilty of very great inconsistency in calling upon the humbler classes to invest their savings in the purchase of 40*s.* freeholds, while at the same

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time he decried the payment of travelling expenses. Why, those were the very persons who would become practically disfranchised if they were denied the expense of their journey to the polling places. Now, speaking without the slightest personal feeling on the matter, he would put it to the hon. Gentleman, did he really mean to deprive these poor men of the means of access to the poll, after they had been induced to expend their savings on the obtainment of votes in various counties? If, however, their object was to disfranchise all the outlying voters, he thought the fair mode of procedure would be to disfranchise all non-resident voters in a county. Still he trusted the Committee would not adopt any measure that would have the effect of disfranchising the poor, while the rich were allowed to retain their privilege of voting. To adopt a measure of that character would indeed be to impose a property qualification with a vengeance.

Mr. CROSSLEY said, he must deny that there were any voters in the counties so poor as to make their travelling expenses an object to them. [*Laughter.*] Well, he would give hon. Gentleman a proof of that. In the factory with which he was connected there were about 1,000 adult labourers, but of that number not more than five, or at the outside ten, had votes. But he would tell hon. Gentlemen that if the whole number were enfranchised, there was not one of them that would not scorn their 2*s.* tickets, and would go manfully to the poll.

Colonel BLAIR said, he first wished to observe, that it was all very well for the hon. Gentleman to talk of voters in his borough walking like men to the poll—very possibly that might be so with men who had not half a mile to go, but he should like to know what could men do who had a journey of perhaps fifteen or twenty miles to take to reach the polling-booth. And as to refreshments, it was all very easy for voters to go out to the hustings to vote, and then return to their dinner—but that could not be done by the county voters. The hon. Member for the West Riding had laid much stress on there being omnibuses and railways in every part of the country. Now he begged to tell that hon. Gentleman that in the county which he had the honour to represent, they had no such convenience. The object of these travelling expenses was to enable the poor voter to exercise his franchise—and, therefore, in allowing them these expenses they would be merely performing an act of justice.

MR. HEADLAM said, he could not assent to the proposition, that any person who paid the cab-hire of a voter, however old, infirm, or poor such voter might be, should be liable to a penalty of 50*l*. He considered that the proper course would be to allow a moderate amount for travelling expenses, for at county elections some voters must necessarily come a considerable distance to record their votes at the poll. The Committee might rely upon it, that if their legislation were contrary to public opinion, means would be found for evading the law.

MR. ALCOCK said, he trusted the Committee would not allow this opportunity to pass without putting the question of providing refreshment for voters upon some clear and intelligible footing. In some counties, tickets for 3*s*. and more were given to the voters by the agents of each of the candidates; and in case of a plumper, the agent of the candidate who received it gave the voter two refreshment tickets. The evidence given before the Election Committee showed that many Members were unseated for mere treating; and, whatever they should do with respect to travelling expenses, he trusted they would settle the question of refreshment. In 1852 Sir Edward Buxton introduced a Bill for the purpose of legalising refreshments supplied to voters to a limited amount. That Bill was thrown out, and soon afterwards a general election took place; and he would venture to say, that there was no contested election for a county throughout England at which treating did not take place, except in one case, to which his modesty prevented him from referring more particularly. He hoped the House would come to some specific decision upon this subject, and that it would be determined whether refreshment tickets should or should not be issued.

LORD ROBERT GROSVENOR, in reply, said, he never heard anything like the inconsistency of the arguments used against his proposition. No two hon. Members agreed as to what they thought ought to be done under the circumstances. He was not surprised at that when he found them departing from the principles they had at first laid down, which his proposition merely intended to render more perfect. The right hon. Gentleman the Member for Midhurst (Mr. Walpole) said, that every facility possible ought to be given to all classes of voters to exercise their franchise. He (Lord R. Grosvenor) fully concurred in that sentiment; but he asked the right hon. Gentleman and the Committee upon what ground the candidate should be called upon to pay for that facility? He had put that question before, and he had waited in vain for an answer.

MR. GOULBURN said, that the inconsistency of which the noble Lord complained in respect to the way in which his proposition was met, arose in a great degree from the fact of the noble Lord having combined in one proposition two questions which were essentially different. There was a manifest difference between paying for the conveyance of a voter to the poll and the payment of refreshments for him. Under the circumstances, he (Mr. Goulburn) could not concur in the Motion. From the speech of the noble Lord himself, it appeared that the House of Commons could not prevent the conveyance of the voter to the poll in the ordinary way, without giving him increased and new facilities for exercising his franchise. They were not now prepared to lay down a new system by which the votes were hereafter to be taken, in order to get rid of the reasonable expenses involved in the conveyances of voters to the poll. He contended, therefore, that they would be virtually disfranchising a large portion of the voters if they passed that clause without giving at the same time new facilities to the voter to exercise his constitutional right.

MR. VINCENT SCULLY said, he represented an Irish county, and therefore he was quite familiar with the subject. He had nothing but his popularity to depend upon with the constituency which he had the honour to represent, because it was a popular constituency, and perhaps this being a popular question it might be to his interest to vote against this proposition; but he was so satisfied of its policy that he felt constrained to support it. At one period in the county which he had the honour to represent, it was determined to send a car to the door of every elector to bring him up to the poll, but that proceeding, instead of increasing the number of electors who registered their votes at the election, rather induced them to stop at home. [*Laughter.*] Strange as it might seem, it was nevertheless true, for the car led them to expect a pleasant drive, besides being taken to the poll, and because they could not have that they declined to vote at all.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 86; Noes 190: Majority 104.

LORD JOHN RUSSELL said, he hoped that the Committee would consent to take the further clauses that had to be considered upon the bringing up of the report. There were a great many other Orders of the Day on the paper, and it would be convenient if the House should now proceed to consider them.

MR. STANHOPE said, he was anxious to propose the clause which stood in his name that night, and he hoped the Committee would allow him to do so. The clause he had to move, he wished to follow Clause 4. It provided that the refreshment tickets should be delivered to such voters as should apply for them. Unless some such clause as this were introduced, he was convinced they would virtually disqualify one-half of the county voters of England, or they must put the candidates to enormous expense for providing additional polling places. They had established the principle that travelling expenses were not illegal or corrupt payments; and he contended that a reasonable and fixed allowance to the poor man for refreshment was equally unobjectionable to a payment for his conveyance.

Clause (Provided always, That upon the consent and application in writing of all such persons as shall be Candidates at any contested County Election, after a poll has been demanded, it shall and may be lawful for the Election Officer to issue tickets or orders in such form as he may think fit for refreshments to voters on the day of polling, not exceeding the amount or value of two shillings each ticket or order, to be delivered to such persons as shall apply, by the Poll Clerks, or some other persons to be appointed for that purpose by the Election Officer, to each voter, on his having voted or polled at such Election, and the amount of the tickets or orders so given shall be paid or discharged in money or refreshments by any person who may be willing so to pay or discharge the same, and such person or persons shall send or deliver such tickets or orders to the Election Officer within one month after the day of Election, and the Election Officer shall pay or discharge such tickets or orders, and charge the same in his accounts, in the same manner and subject to the same provisions as are herein contained regarding the expenses of the Election, to be provided for and paid by such Election Officer: Provided also, That the Candidates shall pay to the Election Officer the amount of such tickets or orders in equal proportions, or in such other proportions as they shall agree upon)—*brought up*, and read 1°.

LORD JOHN RUSSELL said, he had already declared that his opinion was opposed to the principle contained in this clause; and as the Committee had already fully discussed the question, he hoped they would divide upon it at once.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 126; Noes 142: Majority 16.

LORD JOHN RUSSELL said, that there were some clauses yet to be considered, and some propositions to be made on the report. He proposed that those clauses should be postponed until the report was brought up, and that the Bill be reported now, and taken to-morrow, at twelve o'clock. If the Bill were to be reported, the House would order it to be reprinted.

MR. IRTON said, he would insist upon the Bill being printed before they proceeded further.

MR. KNIGHTLEY moved that the Chairman do report progress, and ask leave to sit again.

LORD ADOLPHUS VANE TEMPEST said, he had a very important clause intrusted to him, and he thought that the best course to be adopted was, that the Chairman should report progress, and ask leave to sit again. They had been sitting since twelve o'clock at noon, and it was very hard upon hon. Members that they should be kept for so long a time upon this Bill. He should second the Motion.

MR. VERNON SMITH said, that in the course of the discussion upon the last clause, it had been said that it was absolutely necessary to settle this question. Some voted for and some against the clause, but everybody said it must be settled, and he should like to know whether any hon. Gentleman had any clause which was to settle it. It was not yet settled whether travelling expenses were legal or not; and it was absolutely necessary to bring forward some clause to determine that point.

SIR FITZROY KELLY said, there was a clause which had been printed these three days, which was calculated entirely to settle the question, and if they now reported the Bill, the clause would be brought forward upon the report.

LORD JOHN RUSSELL said, he thought it impossible for him to propose a clause upon the matter, not knowing whether the House would allow travelling expenses or refreshments; but as soon as the House came to a decision, he should be ready to propose a clause. He wished to go on with the Bill, so as to be able to send it up in conformity with the Resolution of the House of Lords.

MR. NEWDEGATE wished, as the clauses had been very much altered, that the Bill should be reprinted.

THE ATTORNEY GENERAL said, he should be glad to know whether it would be reprinted until it had been reported upon.

MR. CHAIRMAN said, that until the Bill had been reported, it could not be reprinted.

MR. WALPOLE said, he thought that the object of the hon. Member (Mr. Irton) would be best attained by allowing the Bill to be now reported, because it could not be reprinted until it had been reported.

LORD JOHN RUSSELL said, if the Bill should not be reprinted by to-morrow, at twelve o'clock, he would not proceed with the Amendments.

MR. IRTON said, he did not object to reporting the Bill. All he asked was, that the House should not be called on to discuss the Bill further at twelve o'clock, after having been engaged on it the whole day.

MR. BRIGHT said, he understood that Bills must be sent up to the other House by the 25th instant, in conformity with an order made by that House; and in reference to that matter he wished to ask a question of the Lord President of the Council. He (Mr. Bright) was not a great authority in constitutional law or practice, but it did seem a very odd thing that the other House should pass an order which was a species of coercion on the proceedings of the House of Commons. If the House of Peers could pass this order, they might have passed an order that they would take no Bills after the 25th of June; and if the House of Lords could pass such an order, why could not the House of Commons, and thus put coercion on the Queen herself, and force a dissolution or prorogation of the House? The noble Lord (Lord J. Russell) very properly treated this Bill as highly important; and, perhaps, it was likely to be as useful as even the University of Oxford Bill. It had now nearly passed, and the House was compressed into a night or rather into a day's sitting to finish the Bill; and he should be very sorry that the House should submit to have its deliberations interfered with, and the public interest damaged, by a coercion of this kind with regard to a Bill of this nature. He undertook to say that if there were a dozen men in that House who had an animosity to this Bill, and who were resolved pertinaciously to oppose it, they could act in such a manner as would render it impossible to get this Bill through the House, so as to reach the House of Lords before Tuesday next, and then the order of the House of Lords, combined with a small minority of the House of Commons, would stunt and overrule the large majority of the House. He thought it a very unconstitutional course to be taken by one out of two legislative bodies, and he thought the noble Lord (Lord J. Russell) ought, through his Colleagues in the other House, to represent the difficulty in which they were. As the Chairman said, to have the Bill reprinted it was necessary that it should be reported; that would be the best course to adopt, and he trusted that the Bill might become law. If hon. Gentlemen withdrew their Motions, then on the third reading they could discuss any clauses to be added to the Bill.

LORD SEYMOUR asked, when the noble Lord meant to take the third reading of the Bill?

LORD JOHN RUSSELL said, he proposed to take the third reading on Monday. With reference to what had fallen from the hon. Member for Manchester, there was no doubt that there appeared on the Minutes of the House of Lords a statement that, after the 25th of July, with certain exceptions, they would not allow any Bill to be read a second time. He must say there were some grounds for this unusual Resolution in the practice which had prevailed for some years, of sending, at a late period of the Session, a great number of Bills for the consideration of the other House. At the same time, he did not expect that the House of Lords would be so capricious as to reject Bills of great importance. The present measure was one of considerable urgency, as there were several boroughs the writs of which were suspended, and he, for one, would not consent to these writs being issued, unless a measure of the present kind were passed. It would be a question with the

House of Lords, supposing the Bill were not sent up to them until the latter end of next week, whether they would read it; and it was obvious that those who did not wish the Bill to pass would have a foundation for their opposition, on the Resolution with respect to the second reading of Bills which had been generally agreed to by their Lordships. He did not wish this obstacle to be placed in the way of the present Bill; and he therefore hoped, under these circumstances, that the House would agree to the Bill being reported.

Mr. KNIGHTLEY said, that, on the understanding that the report should not be brought up until six o'clock to-morrow, he would consent to withdraw his Motion.

Lord John Russell assented to this.

Motion for reporting progress *withdrawn.*

The House resumed; Bill *reported;* as amended, to be considered *to-morrow.*

STAMP DUTIES BILL.

On the Report of this Bill, as amended, being considered,

Mr. HAMILTON moved, that the following clause should be added to the Bill—

> "All matriculations, degrees, and certificates of degrees granted by the University of Dublin shall be, and the same are hereby exempted from all Stamp Duty."

In doing so, he assured the Chancellor of the Exchequer that, if the clause was not germane to the object of the Bill, or, at least, as germane as many clauses which it already contained, or if its object was to obtain for the University of Dublin any peculiar advantage or exemption, he would hesitate to press the clause on the present occasion; but if he could show, as he hoped to do in a few words, not only that the stamp duties payable on matriculations and degrees in Dublin College were in themselves objectionable, as being a tax on education and knowledge, but that, unless the clause should be admitted in the Bill, students resorting to Dublin would be in a worse situation than students resorting to any other University in the United Kingdom, he thought the Chancellor of the Exchequer would admit that he was only doing his duty in pressing the matter upon the consideration of the House. The history of these stamp duties was this—no stamps were payable in Ireland in respect of admissions or degrees till 1842; they were then introduced by Sir Robert Peel, expressly as one of the equivalents for the exemption of Ireland at that time from income tax. The stamp duties on degrees, therefore, had no lengthened usage to recommend them; and the exemption, for which they were an equivalent, had been since removed. The tax was 1*l.* on matriculation, and 3*l.* on the degree of bachelor of arts; and it appeared, from a return he had moved for early in the Session, that in Durham, London, the Queen's University in Ireland, and in the several Scotch Universities, no duty on matriculation, or on the degree of bachelor of arts, is payable. The duty, therefore, was imposed only upon students of Oxford, Cambridge, and Dublin; and the Chancellor of the Exchequer was aware that it was about to be removed in Oxford and Cambridge. Was it, then, to remain as regards students who resorted to Dublin, and who generally were less able to pay such an impost than students of Oxford or Cambridge? There were many objections to it, into which, at that late hour, he would not enter. It was a tax upon education and knowledge; it was payable at a most inconvenient time, just when young men required all their means to embark in any profession; it was unequal. The Commissioners of Oxford, Cambridge, and Dublin Universities concurred in recommending its abolition. The Commissioners for Dublin University thus expressed themselves—

> "The general question of taxing degrees we shall notice in connection with degrees in arts; but in the case of medical degrees, there is a special reason for not imposing any tax upon the degrees in the University of Dublin. Medical students frequently receive part of their education in one medical school, and part in another, and many of them are in such circumstances, that the necessity of paying 32*l.* would influence their selection of a place of education. The University of Dublin allows part of the course of education for their degrees to be pursued in the Queen's colleges, and the course of education in the Dublin school of physic is in a great part recognised by the Queen's University in Ireland. If a student has studied partly in each University, and proceeds to graduate in the Queen's University, he is exempt from the payment of the 32*l.* for stamp duty; but if he select the Dublin University to graduate in, he is liable to the tax. Such an inequality of taxation, giving an advantage to one public institution over another, in a matter where they are directly brought into competition, is manifestly unjust; and this injustice ought to be removed by the entire repeal of the duty on degrees in the University of Dublin."

Clause *brought up,* and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, he could not accede to the proposition of the hon. Gentleman, not because he thought degrees should be taxed, or was unwilling to consider the subject at a proper time, but because to exempt the University of Dublin from the operation of the stamp law would be a piece of irregular and partial legislation.

MR. NAPIER said, he should support the clause. The tax in question was a duty upon the students, and not upon the University, and nothing could be fairer than the proposed clause, which was not proposed in a spirit of favouritism.

MR. WILSON PATTEN said, he would suggest, that as the Bill was one of those in favour of which the House of Lords had made an exception, it would be better to postpone the discussion. He moved that the debate be adjourned.

Motion *agreed to.*

Debate *adjourned* till *to-morrow.*

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, July 21, 1854.

MINUTES.] PUBLIC BILLS.—1ª Usury Laws Repeal; Returning Officers; Turnpike Acts Continuance, &c.; Convict Prisons (Ireland); Jury Trial (Scotland); Literary and Scientific Institutions; Medical Graduates (University of London); Indian Appointments, &c.; Real Estate Charges; Judgments, Execution, &c.; National Gallery, &c. (Dublin).

2ª Valuation of Lands (Scotland); Friendly Societies; Registration of Bills of Sale (Ireland); Jamaica Loan; Sheriff and Sheriff Clerk of Chancery (Scotland); Joint Stock Banks (Scotland); Crime and Outrage (Ireland).

Reported—Highway Rates; Turnpike Trusts Arrangements; General Board of Health.

3ª Court of Chancery; Savings Banks.

THE POLISH SUBJECTS OF RUSSIA.

THE EARL OF HARRINGTON: I beg to put the question of which I have given notice to Her Majesty's Ministers. I wish to know whether it be true that they have directed the Earl of Westmoreland to state to the Cabinet of Vienna that Polish subjects of the Czar will not be allowed to enter the armies or to follow the standards of the allies? My Lords, I can scarcely believe that such a thing is possible, because the main strength of our cause and that of the allies depends upon the co-operation of Poland. When I say Poland, I do not mean the Polish subjects of Austria or of Prussia, but I alllude to the 13,000,000 of Polish subjects and 200,000 of Polish soldiers belonging to Russia. It appears to me that it is only with the co-operation of Poland that the cause which the allies have undertaken can be made to succeed; and if the report that has been circulated is true, the Ambassador of England at the Court of Vienna, acting, no doubt, with the most honourable intentions (because I believe Lord Westmoreland is incapable of acting otherwise), will in point of fact have been made to promote the objects of Russian diplomacy. My Lords, I repeat that it is by the aid of Poland that this war can be brought to a successful issue; and by that means alone can you obtain a durable peace, or permanently secure for the allies and for Europe the maintenance of the balance of power. You may take the Crimea, may take Sebastopol or Cronstadt, and destroy the Russian fleets, but this would not terminate the struggle; on the contrary, you will have much to do even after you have accomplished all these achievements. My Lords, as you may remember, the Emperor Napoleon, as a soldier not inferior to Cæsar himself, with 600,000 men, 140,000 cavalry, and 1,300 cannon, made the attempt to conquer Russia, and failed; and those armies, which had succeeded in subjugating nearly half the civilised world, were defeated, routed, plundered, and destroyed—not, as was said, owing to frost and fire, or to the bravery of the legions who opposed them, but from the want of a gallant nation like that of Poland to advance and retreat upon. My Lords, you may humble Russia; and, perchance, with the good fortune of the noble Earl opposite, and with the aid of an able diplomacy, you may succeed in obtaining another peace of twenty-five years' duration; but, mark well, at the expiration of that period are you likely to find a second Louis Napoleon Bonaparte—a man of iron mind—to extricate you again from your difficulties, with money at his disposal, with 500,000 troops, and with as fine fleets as ever sailed to sea? You may not have that good fortune; and, in my opinion, you might as well attempt to carry on this war without the aid of gold or iron, or gunpowder, as to carry it on without the aid of the heart and nerve of Poland. My Lords, it appears to me that it is the interest of the alliance in the first place to endeavour to conciliate the followers of the Greek Church, and in the next place, to restore this 13,000,000 of Poles to their independence—for without these you can never hope to have a permanent peace in Europe. And not only this, but you must look to that which has been much apprehended by Russia, namely, a Panslavonian Empire, and to have that empire based upon a liberal constitution.

THE EARL OF ABERDEEN said, that he did not clearly understand what was the noble Earl's question.

THE EARL OF HARRINGTON: I am not in the habit of addressing your Lordships, and I may have failed to make myself sufficiently intelligible; but my question is, whether Her Majesty's Ministers have directed the Earl of Westmoreland, our Ambassador to Austria, to assure the Cabinet of Vienna that the Polish subjects of the Czar would not be allowed in any way to co-operate with our armies or to follow the standards of the allies? I do not mean to put the question in that merely technical form; but I want to know from Her Majesty's Government whether they really wish to co-operate with these 13,000,000 of Poles, their most sincere allies in this struggle, or whether they do not?

THE EARL OF ABERDEEN: My Lords, in answer to the question of the noble Earl, I have to state, first, that if he had had the goodness to wait till my noble Friend the Secretary of State for Foreign Affairs was present, my noble Friend would have been able to give him a more precise answer than I can do; but I will take on myself to state that no such instructions have been given to Lord Westmoreland as the noble Earl opposite imagines. I cannot quite understand, even now, what is the nature of the co-operation to which the noble Earl refers. If he means to ask whether the subjects of the Emperor of Russia are not to co-operate with British troops, that is a question for the Commander in Chief of the British forces to decide. As for the intentions of the allies, we could, of course, give no instructions with respect to any other Power; and with regard to our own forces, I take it that that is a military question that will entirely depend upon the views of the Commander in Chief, who will have to determine whether deserters from other Powers should be employed or not. But as far as the instructions of Lord Westmoreland, to which the noble Earl alludes, are concerned, I think I can undertake to say that nothing of the sort that he supposes has taken place.

THE EARL OF HARRINGTON: I understand that one of the chiefs of Poland had been refused leave to form a Polish Legion to act with the allies, and that the Government of England had been instrumental in that refusal.

MESSAGE FROM THE QUEEN.

Message from THE QUEEN—*Delivered* by The Viscount Gordon, and read by The Lord Chancellor, as follows:

"VICTORIA R.

"Her Majesty, deeming it expedient to provide for any additional Expense which may arise in consequence of the War in which Her Majesty is now engaged against The Emperor of Russia, relies on the Affection of the House of Lords for their Concurrence in such Measures as may be necessary for making Provision accordingly.

"V. R."

Ordered, That the said Message be taken into Consideration on *Monday* next.

CONVOCATION.

THE BISHOP OF LONDON rose to move for copies of Reports of Committees of the Convocation of the province of Canterbury, presented to the Convocation. The right rev. Prelate was understood to say that one of the Reports to which his Motion referred related to certain reforms or changes in the present constitution of Convocation, suggested with the view of enabling that body to treat, with the fuller confidence of the Church, of such matters as Her Majesty might be graciously pleased to submit to its deliberations. The changes in question were not really changes, so much as they were a return to the rules for regulating the proceedings of both Houses of Convocation which prevailed in former times. The recommendations contained in the Report were made by a joint Committee of the two Houses, in which the most perfect unanimity existed on the subject; so that in case Convocation were permitted to meet for the despatch of business, there was no fear of its being again disturbed by those dissensions and contentions which were the principal cause of the discontinuance of its action in the last century. The Committee did not feel itself at liberty to enter into that most important part of the subject, namely, whether there should be introduced into Covocation the lay element, so as to make that body a representation not of the clergy only, but of the laity, or rather of the Church of England at large. A great complaint was made that Convocation, as at present constituted, was not a fair or adequate representation even of the clergy, and therefore, whilst fully sensible of the vital importance of the question affecting the representation of the laity, the Committee felt that it was one that ought to be determined by Convocation in its reformed or remodelled state, should it hereafter be allowed to meet. The next Report, included in his present Motion, touched also upon a most important and difficult question—the modification of the rules and ordinances of the Church, so as to enable her to extend her boundaries, and to minister more efficaciously and effectually to the spiritual wants of our growing and ever increasing population. He would not now enter into the recommendations of this Report, but he was bound to say that they had all been agreed upon by the Committee of both Houses of Convocation, consisting of men of different shades of opinion in ecclesiastical matters, with something very nearly approaching to perfect unanimity — certainly there was not one point of vital importance on which there was the least divergence of sentiment. The discussions —amicable conversations they ought rather to be called—were, in fact, carried on in a manner that afforded a very hopeful augury for the future; and that ought to go far towards mitigating, if it did not entirely remove, the apprehensions which many serious and well-intentioned persons entertained of the danger that was likely to result from the revival of the synodal action of Convocation. Not a single expression had fallen from any one member of the Committee that could give ground for apprehending the recurrence of anything like polemical controversies. The members of both Houses had reason to be grateful to the most rev. Prelate for the patience with which he had listened to them, and for the impartiality he had displayed—for the most rev. Prelate, if he had been favourable to the revival of the synodal action of Convocation, could not possibly have acted with more fairness. If Her Majesty should be graciously pleased, with certain restrictions and limitations, to revive the synodal action of Convocation, the repetition of the scenes which led to its suspension in the last century would be effectually avoided; and if at any time any member of either House transgressed the bounds of propriety, or forgot the restrictions imposed by the Queen's writ, Her Majesty, as the head of the Church, could put a stop to any irregular proceedings, by the exercise of her Royal prerogative, in proroguing. He rejoiced that the acrimonious feelings which formerly prevailed had been gradually disappearing; and he hoped that at no very distant day the Church of England would again be allowed to enjoy the privilege which was enjoyed by every Christian Church but itself, and be enabled to meet in synod for the regulation of its own concerns. While the Scotch Presbyterian Church, the various Dissenting bodies, and foreign Protestant Churches, had such a power, the Church of England alone was debarred of that which he considered to be essentially necessary to her well-being; and he must repeat his hope that the tone, temper, and universal harmony which prevailed at the recent meetings of Convocation to which he had referred, would have the effect of disabusing the minds of those who had hitherto been led to look with disfavour upon the restoration of the Church's privilege of synodal action. The right rev. Prelate concluded by moving an Address for—

> "Copies of the Three Reports made to the Convocation of the Province of Canterbury by Committees of the Upper and Lower House upon Clergy Discipline, the Changes required in the present Constitution of Convocation, and Church Extension."

Motion *agreed to.*

COLONIAL CLERGY DISABILITIES.

LORD LYTTELTON said, he had once earnestly hoped that the measures of internal improvement would not have been altogether impeded by the outbreak of the war; for, though the time of Her Majesty's Ministers might be engrossed in dealing with that absorbing subject, still the attention of private Members need not have been so occupied, and they might have entered on the task. That hope, however, had now been entirely disappointed, and amongst the measures which had been sacrificed in consequence was a Bill for the removal of the Colonial clergy's disabilities. Since, however, the Bill was introduced into the other House of Parliament, a change had taken place in the office of Secretary of State for the Colonies. Now, he was not speaking altogether from rumour, for the fact was notorious, when he stated that so far as the present Secretary for the Colonies had stated any opinions in reference to the Bill, those opinions were adverse to it. The question, therefore, naturally arose whether the Government as a Government still retained the same opinions on the subject, and whether they meditated future legislation in its regard? He felt perfectly certain that the noble Duke opposite (the Duke of Newcastle) had not changed his mind upon the subject, but he should be exceedingly glad to hear the sense of Her Majesty's Government generally. He had, therefore, to ask whether the Government intended at any future time to reintroduce a measure for the removal of the disabilities of the Colonial clergy?

THE DUKE OF NEWCASTLE said, that their Lordships would not have forgotten that in three successive Sessions three different Bills, all designed to carry out the same object, had been introduced upon this subject. Three years ago the matter was taken up by his right hon. Friend the present Chancellor of the Exchequer, in the other House, but, after great discussion, the measure was not proceeded with. Last year the most rev. Prelate introduced a Bill in a similar form, but framed so as to obviate the objections of those who had opposed the former measure; but that Bill, after passing through their Lordships' House, also met with a good deal of opposition in the other House, and was withdrawn. In the present Session, again, the Bill now in question was introduced, and was met with considerable opposition in the same quarter as before, and although he was not prepared to say that if an opportunity had been given either by a Select Committee or in some other manner, the objections that had been stated might not have been overcome, nevertheless the result unfortunately had been that legislation on the subject this Session had also been suspended. Although he was not aware that his noble Friend was under any misapprehension as to the opinion of his right hon. Friend (Sir George Grey), he had consulted him, and he had his assurance, and was able to give that of the rest of the Government, that the attention of the Government would continue to be devoted to this subject, and, with the assistance of the Church in the Colony, he was not without hopes that at the commencement of the next Session a Bill would be introduced which would meet the objections which had been raised against former measures, which were, he understood, rather objections of form than of substance.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 21, 1854.

MINUTES.] PUBLIC BILLS.—1° Land Revenues of the Crown (Ireland); Land, Assessed, and Income Taxes.

2° Militia (Ireland); Duchy of Cornwall Office; Land Revenues of the Crown (Ireland); Land, Assessed, and Income Taxes.

Reported—Ecclesiastical Jurisdiction; Friendly Societies Acts Continuance.

3° Indian Appointments, &c.; Returning Officers.

MESSAGE FROM THE QUEEN

Message from HER MAJESTY, *brought up*, and read by Mr. Speaker, as follows (all the Members being uncovered)—

"VICTORIA R.

"Her Majesty, deeming it expedient to provide for any additional expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of Russia, and relying on the experienced zeal and affection of Her faithful Commons, trusts they will make provision accordingly.

"V. R."

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I beg leave to move that Her Majesty's most gracious Message be referred to the Committee of Supply. The Committee of Supply stands for this evening, but I apprehend it is perfectly well understood that Her Majesty's Message will be taken into consideration on Monday evening next.

MR. DISRAELI: Sir, with respect to this side of the House, I am sure I may say that there is every disposition to vote any aid that Her Majesty may require, in order to carry on the war with vigour, spirit, and energy. As I understand, the House will have to take Her Majesty's Royal Message into consideration on Monday next, when I not only hope and trust, but indeed I suppose, Her Majesty's Ministers will be enabled to assure the House that in the present state of affairs there will be an autumnal Session.

Message *referred* to the Committee of Supply.

BRIBERY, &c., BILL.

Order read for considering the Bill as amended.

Mr. LIDDELL said, he would beg to move to insert, instead of Clause A, Section 10, the Clause of which he had given notice.

Clause (If any person shall, either during any election of a Member to serve in Parliament, or within six calendar months previous to such election, or within fourteen days after it shall have been completed, be employed at such election as counsel, agent, attorney, poll clerk, flagman, or in any other capacity, for the purposes of such election, and shall at any time, either before, during, or after such election, accept or take from any such candidate or candidates, or from any person whatsoever, for or in consideration of or with reference to such employment, any sum or sums of money, retaining fee, office, place, or employment, or any promise or security for any sum or sums of money, retaining fee, office, place, or employment, such person shall be deemed incapable of voting at such election, and his vote, if given, shall be utterly void and of none effect, and shall render him liable to forfeit the sum of fifty pounds to any person who shall sue for the same, together with full costs of suit), *brought up*, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Sir FITZROY KELLY said, he did not propose to offer any opposition to his hon. Friend's clause. He believed there were only two questions which might lead to much difference of opinion—one of which was the *vexata quæstio* as to whether there should be an allowance for refreshment expenses, with respect to which a clause would be introduced when the present was disposed of; the other question arose out of an Amendment which was to be moved. As far as the other Amendments were concerned, they were rather Amendments to other clauses, than as asserting any new or disputed principle; and he would suggest that this, as well as those relating to allowances for refreshments and travelling expenses, be taken on the recommittal of the Bill, and that at the present stage they should dispose only of those Amendments which were unopposed.

Mr. HILDYARD said, he considered this another instance of the anxiety of some hon. Members to import 50*l.* penalties into every clause. By the present clause, persons acting as special constables would be liable to a penalty, and when he mentioned that to the hon. Member for Liverpool, he told him that that would be rectified by another clause, which, on examination, did not effect the object.

Lord JOHN RUSSELL said, the question was, whether or not they would adopt the clause of the hon. Member. At present, although persons coming under the description there given were restricted from voting at an election, it was notorious that such persons did vote, and, as no remuneration ought to be given to a voter, it was obvious some alteration of the law was required; the Select Committee were of opinion that no person who was an elector should be employed in any capacity. With regard to special constables, they were persons employed by the mayors or returning officers at elections, merely for the purpose of keeping the peace.

Mr. SPOONER said, he considered that the clause would prevent all persons who were employed at elections as poll clerks, or in any similar capacity, under the direction of the sheriffs or returning officers, from exercising the right of voting, and would also subject them to penalties. He thought it was desirable that such a clause should receive more full discussion than could take place in the House, and, with that view, he would move that the Bill be recommitted.

Mr. SPEAKER said, that such a Motion could not be made until the clause now before the House was disposed of.

Mr. BANKES said, he was astonished by the proposition which should make voters subject to a penalty of 50*l.*, which might come upon them as a surprise. He thought the Bill required very full consideration, and he regretted the readiness with which the noble Lord's proposition to take Amendments and additional clauses had been acceded to last night. He feared they might by this compliance allow legislation to proceed at a dangerous speed. He did not particularly wish the Bill to be recommitted if the noble Lord could point out any other way by which the object of the Motion could be attained.

Sir GEORGE GREY said, he understood the right hon. Member did not object to the whole clause, but only to a part of it. He thought the best course would be to pass the clause, and move that the words be omitted.

Lord ADOLPHUS VANE TEMPEST said, that on his side of the House it was thought that there was an understanding that the Bill was to be recommitted, and on that understanding he withdrew his Motion last night. He called on the noble Lord to act according to that understanding.

Lord JOHN RUSSELL said, he must deny that there was any such understanding; what he had proposed was, to take the report of the Bill that evening.

Sir JOHN PAKINGTON said, he was under the same impression as his noble Friend behind him, and he urged on the noble Lord (Lord John Russell) whether it would not be better to allow the Bill to be recommitted.

Mr. W. WILLIAMS said, the hon. Member for North Warwickshire (Mr. Spooner) wanted to have a long talk over another clause, and that was why he wished to make the Motion for recommittal. Gentlemen opposite knew perfectly well that unless the Bill was reported to-night it could not become law this Session, on account of the Standing Order of the other House, and the whole of this proposition was for the defeat of the Bill. There was evidently a great unwillingness to part with the system of bribery and corruption to which so many of them owed their seats in that House.

Mr. VERNON SMITH said, it was all very well for the hon. Member for Lambeth, who had said he was the only pure person in the House, to say "put an end to bribery;" but the real question was the passing of a good Bill. The House of Lords, in their Standing Order, said they would not read any Bill a second time after the 25th of July, unless in case of emergency; and this was a Bill which might fairly come under the exception, and ought to be considered so by the other House. It was not the fact that if it was not reported to-night it could not go up to the Lords in sufficient time. It could be sent up in time, but still it ought to be thoroughly discussed, and that could only be done by its being recommitted. The Bill had been reprinted, and put wet into their hands as they came into the House, and there had been no opportunity of considering it in its present form. Explanations of the clauses could only be given in Committee, and he therefore urged his noble Friend to consider only the perfection of the Bill and to consent to its recommittal.

Lord JOHN RUSSELL begged in the first place to state that he had never said a word against the recommittal of the Bill. All he had said was that he did not consent last night to that course. If by the recommittal they were to argue all the questions raised on the Bill over again, as if they knew nothing of what had been done in the last six days, he thought the Bill ought not to be recommitted; but if it was intended by the recommittal merely to make the discussion of the new clauses more easy, and it was conducted with such despatch as to enable the Bill to be reported to-morrow, he had no objection to the recommittal, and the clause now under discussion might be withdrawn and brought on again in Committee.

Mr. LIDDELL said, he would withdraw the clause, in order that the Motion might be made for recommitting the Bill.

Motion and Clause, by leave, *withdrawn.*

Lord HOTHAM said, he thought the hon. Member for Lambeth ought to be content with explaining the grounds of his own vote, without imputing motives to others, who were quite as free as himself. The hon. Member had accused them on that side of making a number of long and unnecessary speeches. The hon. Member had probably had an opportunity in Committee of saying his say. At all events the hon. Member ought to have been the last person who should have made such a charge; for no one made more long-winded harangues than the hon. Member was in the habit of doing on questions within his peculiar province.

Order for recommitting the Bill read.

House in Committee.

Clauses 1 to 9 *agreed to.*

Clause 10.

Sir FITZROY KELLY said, that this clause rendered it illegal for candidates to give cockades to voters at elections, but it left entirely untouched the more important question which had been alluded to in the course of the discussion with reference to the expenditure for chairing, bands of music, flags, and banners. He proposed, therefore, to add to the clause words which would prevent that expenditure.

Amendment proposed, at the end of the Clause, to add the words—

> "And all payments made for or on account of any chairing, or any bands of music, or flags or banners, shall be deemed illegal payments within this Act."

MR. NEWDEGATE said he should oppose the proposition, on the ground that hereafter it would have a tendency, together with other enactments in the Bill, to give to elections the appearance of funerals. He thought that music and flags at elections were but the natural expressions of good humour and hilarity on the part of the people, and he should be sorry to see such ceremonies conducted, as in America, in sober silence and in a virulently factious spirit.

MR. VERNON SMITH said, he should be glad to know what would be the effect of these words?

SIR FITZROY KELLY said, that the effect of them would be that the candidate could not lawfully make any such payments, either before, after, or during the election. He had introduced the Amendment principally at the suggestion of hon. Members behind him.

MR. IRTON said, he would suggest that, to complete the thing, the hon. and learned Gentleman had better include the ringing of bells.

LORD HOTHAM said, he, for one, should oppose the introduction of the proposed words, as being, in his opinion, worse than unnecessary.

LORD JOHN RUSSELL said, that no doubt large sums of money might be spent in an objectionable manner for music, flags, and chairing at elections; but he had doubts whether the words did not go too far.

SIR JOHN SHELLEY said, he hoped the hon. and learned Gentleman would not withdraw the words. He spoke from experience when he said that fights were often occasioned by the meeting of the rival bands.

MR. WALPOLE said, he would remind his hon. and learned Friend (Sir F. Kelly) that this proposition had been deliberately discussed in the House last year, and rejected; and after that he thought it should not have been renewed without notice, seeing that it took the Committee rather by surprise.

MR. ROUNDELL PALMER said, he should support the Amendment, seeing that in the borough which he represented bands of music and banners had been dispensed with at the last election at the express wish of the authorities, on the ground that on previous occasions they had ever more or less led to the disturbance of the public peace.

MR. GRANVILLE VERNON said, his experience had led him to the conclusion that the breaches of the peace at elections ascribed to bands of music were referable, in almost every case, not to the conduct of the men employed in the bands, but to that of the people usually employed to protect the bandsmen on either side.

MR. LIDDELL said, he wished to know whether the Amendment was intended to apply to the purely spontaneous welcome in the shape of music which the people often gave to a candidate? For example, he might mention that in almost every one of the colliery villages in Northumberland and Durham the miners had a band of music, which, at election times, always turned out to welcome the candidates on either side. What he desired to know was, whether such men would be liable to penalties, because, now and then, they might be found playing a cheerful strain at an election?

MR. BOOKER said, he objected to the Amendment, and also to the clause itself, expressly on the ground that they were meant to suppress the ebullition of party feelings at elections. He thought party feeling was of the very essence of our political constitution. The present Ministry were attempting to carry on the Government without party feeling, and see what was the result.

MR. VERNON SMITH said, he thought it was due to the importance of this subject that the hon. and learned Gentleman (Sir F. Kelly) should have given notice of his Amendment. He hoped, however, the hon. and learned Gentleman would now withdraw his Amendment; for he (Mr. V. Smith) did not think they had any right to put down all the old ladies' music parties in a town during an election.

MR. VANCE said, he had taken part in elections in Ireland, where, by an old Act, music and flags and banners were prohibited, and in England, where these manifestations of popular feeling were permitted; and he had no hesitation in saying, that music appeared to him decidedly more calculated to produce good humour and order than was the absence of music.

MR. MANGLES said, at the last election for Guildford a tremendous riot arose out of the use of bands, which led to the serious maltreatment of the police, some of whom were left on the field almost for dead. He hoped the hon. and learned Gentleman would not give up his Amendment; with regard to "chairing," it was a most fruitful source of bribery, corruption, and confusion.

Mr. IRTON thought it would be better to put down bludgeons rather than chairs.

Mr. HILDYARD said, he would remind the Committee that they had some experience to go upon in this matter. In Ireland, bands were not allowed, in England they were, and yet in Ireland there was no end to rows and riots during contested elections.

Mr. ROBERT PALMER said, he thought that if the opposing candidates agreed on all occasions to have only one band, there would be an end of the fighting.

Mr. E. BALL said, his experience had taught him that the employment of bands of music at elections was a frightful source of bitterness and dissension, and he hoped his hon. and learned Friend would have the courage to persevere with his Amendment.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 106; Noes 57: Majority 49.

Words *added* to the Clause, which was ordered to stand part of the Bill.

Clauses 11 to 14 *agreed to.*

Mr. T. DUNCOMBE said, he would now beg to move the insertion of the following additional Clause—

> "Be it further enacted, that, after the passing of this Act, no returning officer, or whom he may appoint, shall permit, after a poll is once opened, any candidate or other person on his behalf, under any pretence, or in any capacity whatsoever, to be present within or about the hustings or booth where such poll is proceeding, any law, custom, or practice to the contrary notwithstanding."

He did not mean to say this clause would be so effective as the ballot in the prevention of intimidation, but he believed that, next to the ballot, it would assist the freedom of action on the part of the voter. He thought no one whatever ought to interfere between the voter and the returning officer. Under the present system, the agent of the candidate, or of the landlord, was in the polling booth, and the elector was either thanked for his vote, or, if he had not voted on the side he was wanted to support, he was put down in the black book at once. The provision he suggested would make the Bill more effective, and would be well worth a trial.

Mr. LIDDELL said, he wished to know how any returning officer, or any one appointed by him, could refuse permission to persons who claimed to be present, and with what authority the hon. Member for Finsbury would arm him? But, setting this aside, one very substantial objection to the hon. Member's proposition arose out of an abuse which prevailed at contested elections, more particularly in seaport towns—namely, the personation of voters. The law now enabled, and almost enjoined, the candidates to appoint persons to verify the identity of those who came to poll. If there was no one in the booth besides the returning officer, or his representative, to speak to the identity of persons who came to give their votes, how were these frauds to be discovered?

Mr. ELLIOT said, he would point out, as an additional objection to the proposal of the hon. Member (Mr. T. Duncombe), that many would-be voters were disqualified, and had to be objected to at the time when they presented themselves. Besides this, in preventing the attendance of other persons, you took away a check upon the polling clerk himself, who certainly required as much check as anybody.

Lord JOHN RUSSELL said, there were strong and insuperable objections to the Motion. Many of these poll clerks, if left quite to themselves, being most likely friends of one or other of the candidates, would communicate to that candidate how the election was going on, while the other party might be left in ignorance on the subject.

Lord HOTHAM said, the effect of the words would be to prevent even the candidate and his friends from attending at the poll to give their votes.

Mr. BANKES said, that referring generally to the Bill, he saw clearly that the consequence of its passing would be to introduce a new kind of voting. We must come very soon throughout the country to the parochial mode of voting. If Parliament prohibited, so strictly as it proposed to do, the payment of travelling expenses and a reasonable sum for refreshments, it was not to be supposed that in a county election, for example, a man, in addition to the forfeiture of a day's wages, would walk many miles to a polling booth, and then return home without any refreshment whatever. This would render necessary a system of parochial voting like that which existed for poor law guardians.

Clause *negatived.*

Clause 15 *agreed to.*

Clause 16 (Appointment of an Auditor of Election Expenses).

Sir FITZROY KELLY proposed that the clause should be omitted, for the purpose of substituting a clause providing that the election officer should be appointed once every year in the month of August, and that he should be reappointed as often as the returning officer should think fit; and also containing a declaration to be made by every election officer so appointed, any act contrary to such declaration being considered a misdemeanor. As he understood that the hon. Member for Newark (Mr. G. Vernon) intended to propose some Amendments to the clause which he wished to insert, he would suggest to him, when the subject came under discussion, to move the omission of the words "once in every year, in the month of August."

Lord JOHN RUSSELL said, he would also suggest that the clause should be struck out, and that the hon. and learned Gentleman should bring up the new clause at a subsequent stage.

Mr. VINCENT SCULLY said, that the Committee had decided that the election officer should be appointed by the returning officer; but when the hon. and learned Member (Sir F. Kelly) brought up the new clause, it was his intention to move that the appointment be made by the county court judge.

Clause *struck out.*

Clauses 17 to 23 inclusive *agreed to.*

Clause 24 (No person to pay expenses of Elections except to Candidate or Election Officer).

Sir FITZROY KELLY proposed the following proviso—

> "Provided that, if, upon the trial of any action for recovering any such penalty or penalties, it shall appear to the Judge who tries the same that any such payment shall have been made, or agreed to be made, by inadvertence, and without any corrupt or improper intention, such Judge may, if he shall think fit, reduce such penalty or penalties to any sum not less than 40*s*."

Mr. HILDYARD said, that few payments were made inadvertently, whether the intention was improper or not. He would suggest, therefore, that the words "by inadvertence and" should be omitted.

Words "by inadvertence and" were accordingly struck out, and the proviso, as amended, was ordered to stand part of the clause.

Mr. HILDYARD said, the Bill authorised actions to any extent by men of straw. When party feeling rose high, a large number would be brought unless they took some steps to protect the parties liable to be harassed by them. The hon. and learned Member for East Suffolk (Sir F. Kelly) had told them it would be impossible to frame a clause to protect innocent men against every pettifogging vagabond that might bring an action; if that was so, he hoped the House would pause before it accepted the Bill.

The ATTORNEY GENERAL said, he willingly admitted that it was most desirable to protect those who acted from inadvertence, but as the House had laid down the principle that all payments should be made in one way, namely, through the hands of the election officer, it was necessary, in order to enforce the rule, that a penalty should be inflicted on all who transgressed, no matter how inadvertently.

Mr. HILDYARD said, he should repeat his complaint, that by this Bill, as it now stood, men who never transgressed the law might be sued by pettifogging vagabonds, and subscriptions might be raised for the purpose when party feeling ran high; yet the innocent man was afforded no means of getting his costs from the man of straw, who might sue him. The Bill, he maintained, was capable of being perverted to the very worst purposes.

Sir FITZROY KELLY said, he had already stated to his hon. Friend that he considered it would be impossible to frame a clause to give costs to a defendant who had innocently violated the Act. In all cases where a penal action was given at the suit of a common informer, parties were liable to vexatious actions, but the evil could not be remedied. He would, however, on bringing up the report, propose a clause to the effect—

> "That in any action under this clause a Judge in chambers might, if he thought fit, order the plaintiff to give security for costs."

He would now beg to move an addition to the clause relative to expenditure.

Amendment proposed, in page 10, to add at the end of the Clause the words—

> "Provided also, and be it Declared and Enacted, That no expenses of or relating to the registration of Electors, and no subscriptions or contributions *bonâ fide* made to or for any public or charitable purpose, shall be deemed Election expenses within the meaning of this Act."

The ATTORNEY GENERAL said, such a clause would be a most excellent addition to the Bill, and he would give it his most cordial support; but he was opposed to the proviso now proposed to be added to the Bill, which he considered would be very mischievous. If they meant to say that they would have a permanent officer, and that all election expenses should be paid through that officer, he thought they would be doing great good, but if registration expenses and subscriptions and contributions to public or private or charitable purposes were to be taken out of the category of election expenses, it would open the door to gross corruption. He thought the House of Commons would do a great deal better if they were to put an end to the payment of contributions of every description whatsoever.

SIR JOHN PAKINGTON said, he thought that the opinion expressed by the Attorney General would interpose a serious stumbling-block in the way of the declaration which it was proposed Members should take. According to the hon. and learned Gentleman's interpretation of the Bill, all contributions which Gentlemen might make to charities or to defray the costs of registration would be election expenses, and must be paid through the election officer.

MR. GRANVILLE VERNON said, he had also heard the statement of the hon. and learned Gentleman with astonishment and dismay. In the whole course of the discussion such an interpretation had not been put on the words "election expenses." If it were to be adopted, no man of honour could take the declaration. He had agreed to the clause containing it, because he felt that it would be easy for him to distinguish in his own mind between those expenses which were connected with the election and those arising out of his general connection with the town or county he might represent. If this interpretation was to be adopted, he hoped the House would reject not only the declaration, but the Bill itself.

THE ATTORNEY GENERAL said, that payments on account of registration expenses were clearly within the words of several clauses of the Bill. He could not object to public contributions to charitable purposes, but to retain the word "private" in the clause would, in his opinion, open the door to the most wide-spread corruption.

SIR FITZROY KELLY said, he did not hesitate to assert that contributions to the expenses of registration in any county or borough were not election expenses at all. If they considered what the expenses of registration were, the hon. and learned Attorney General must himself admit that they could not be considered in any sense of the word election expenses. In many cases they were paid by the country gentlemen, and he should view with great alarm any attempt to make them election expenses, inasmuch as, although the election might not take place for five years, all the payments made during these five years might be set down as election expenses paid by the candidate. He had introduced the word "reasonable" before the word expenses, and he thought that would meet the objections that had been raised, and that the Committee would agree that they could not be considered in any sense of the word election expenses within the meaning of the Act.

THE ATTORNEY GENERAL had no objection to allow the word "reasonable" to be introduced; but he hoped the hon. and learned Gentleman would not object to strike out the words "or private."

MR. GEACH said, he would call upon the Committee to observe how this Bill would work from an incident which had occurred to himself within a day or two. A man in great distress called upon him, and he gave him a small sum to save him from starvation and help him on his road home. This he did without the slightest reference to election considerations; but at the same time the man would never have come to him, nor would he have relieved the man, if he (Mr. Geach) had not been Member for Coventry. [*Laughter.*] Any gentleman would have done as he did, and he did not envy the feelings of the man who would avail himself of a Bill like this to drive a starving fellow-creature from his door. The Bill was a perfect absurdity, and ought not to be suffered to pass.

MR. HEADLAM said, the observations of the hon. and learned Gentlemen on either side of the House had created a great deal of doubt in his mind. It was difficult to define what were reasonable and what were unreasonable expenses. He feared the result of the proviso would be to involve the whole question in doubt and uncertainty.

MR. VERNON SMITH said, he did not agree with the hon. Member for Coventry (Mr. Geach) as to the absurdity of the Bill. He feared, however, they were now falling into a pedantic purity which would defeat its own object. In his own case, he subscribed to every public and private charity of the town, and he would continue to do so, whatever the law was.

How was he to discriminate between his contributions as a country gentleman and his contributions as the Member for Northampton? The hon. and learned Member for East Suffolk said registration expenses were not election expenses, if they were not, they were, at all events, the expenses that won the election. The late Sir Robert Peel recommended to his followers to "Register! register! register!" and here was now his law officer saying they were not election expenses. He believed no one could define what were reasonable, and what were unreasonable expenses. After these niceties, no man of sense would think of signing the declaration.

MR. HILDYARD said, the Committee, by the course it had adopted, was attempting to do more than it could hope to effect. They were in the ridiculous position of the boy in Esop's fable, who got his hands into a narrow-necked jar filled with filberts, and could not draw it back. There were good suggestions in the Bill, which might be usefully acted upon if they were divested of a great deal of the minuteness with which they were surrounded. He was convinced, however, that the measure ought not to be sent up to the House of Lords in its present shape this Session. It required more consideration than there was time to give it. Great good had certainly resulted from its introduction; but he trusted that the Government, seeing the objections made to it from all sides of the House, would consider whether it was possible to send it up to the other House this Session in a shape to do the House of Commons any credit.

LORD JOHN RUSSELL said, he could not certainly deny that, if they attempted to define everything that was meant by bribery, they would get into difficulties; but he did not think they were showing too great harshness in the manner in which they were endeavouring to deal with it by this Bill. The great difficulty was in defining those cases which did not come within the term "bribery." Happily, there were already laws against bribery, for, if there were not, he should not be very sanguine that a great part of that House would ever consent to impose any penalties at all upon it. But penalties were imposed by existing laws more severe in some respects than those imposed in the early clauses of this Bill. For instance, the law was relaxed with respect to the giving of money to persons for a vote. But the difficulty in the present instance arose solely from Gentlemen ingeniously raising a vast number of cases—which they might just as well raise with reference to the existing law—as to whether certain things were or were not bribery—cases which were some of them just upon the narrow confines of that which was and that which was not perfectly pure, and which the hon. and learned Member for East Suffolk had attempted to define. He did not think the hon. and learned Gentleman was attempting to press too severely, although he might be attempting to define too narrowly; but, at the same time, these difficulties having been raised, he quite agreed in the necessity for the proviso, leaving out the words "for any private purpose." It was quite clear that the case mentioned by the hon. Member for Coventry would come under the definition of a charitable purpose, and that subscriptions to racing and matters of that kind were public purposes. If a gentleman had obtained such a character for hospitality in the county in which he lived that all his neighbours wished him to be a Member for that county, the expenses which he incurred were not election expenses, nor had they been incurred with a view to his election, although his election had been carried in consequence of the character which by means of them he had obtained. No one could say they were corrupt expenses, or that they had been incurred for the purpose of securing his election; but, at the same time, there was great difficulty in defining each particular case in the Bill. The Bill had passed through the ordeal of a Select Committee, in which all these points had been discussed by the hon. and learned Member for East Suffolk, by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), and by his hon. and learned Friend the Attorney General; and he could not think that the result of their labours had been a parcel of absurdities. But when hon. Gentlemen said that every case ought to be defined precisely and accurately, it was evident that they could easily imagine cases to which no language could apply. He was quite ready to vote, at least, for this proviso, and it would be time to consider the other propositions when they came before the Committee.

MR. HENLEY said, the noble Lord had not put the case at all fairly. It was not a question of bribery, but as to a declaration that Members had not spent anything in expenses of elections except in certain specified instances. Then, on this the inquiry had been naturally made whether expenses of charities, &c., came within the terms of the declaration? The hon. and learned Member for East Suffolk had told them, with reference to the declaration they were to be called upon to make, that registration expenses could not be considered election expenses, while they had since been informed by the hon. and learned Attorney General that in his opinion they were election expenses. After these different statements from two such high authorities, in what position was a candidate placed who was called upon to make the declaration? It was very common for Members to subscribe a guinea or two to a registration fund, but the professional gentlemen employed considered that they had a right to expect to be retained in the conduct of the elections. This was an instance of the difficult questions which would arise. So again as to charities — the question of what was reasonable would prove impracticable. The hon. and learned Member for East Suffolk proposed a proviso to remedy the declaration plan, and then the noble Lord the Lord President declared that the attempt to define was impossible. But how could parties take so unintelligible a declaration? Whether it was worth while to go muddling on it was not for him to decide, but for those who had the conduct of the Bill.

THE ATTORNEY GENERAL said, he thought the difficulties raised as to the declaration were solved by the proviso of the hon. and learned Gentleman (Sir F. Kelly). It was quite clear they all desired to compel the payment of election expenses through particular channels; but then it was said there were certain classes of which it was difficult to say whether they ranged themselves under the head of election expenses or not, and they divided themselves into three sorts — registration expenses, public contributions, and charitable contributions. That he believed embraced the whole category, and the right hon. Member for Northampton (Mr. V. Smith), who seemed the most strenuous opponent of the stringent provisions of the Bill, although a Member of the Select Committee, could discover no such description of expenses which were not included in that division. Those three classes were provided against by the enactment of his hon. and learned Friend. The Bill, as originally framed, contemplated that the election officer should be appointed for the purpose of a particular election, and should not go beyond the expenses of that election. When the provision was introduced making him a permanent instead of a changeable officer, it struck him that, as under the head of registration there might be colourable and corrupt expenses, it would be very desirable to have that particular expense passed through the election officer. If it was thought better to introduce a proviso regarding registration expenses, it was perfectly clear the enacting that registration expenses formed no part of election expenses would relieve candidates of any difficulty on that point in making the declaration. The other two heads, public purposes and charitable purposes, were both included in this provision, and, therefore, the candidate would be also relieved as to them, because the Act would explain in the clearest terms that neither public purposes nor charitable purposes were included in the declaration. The category was exhausted. All three classes were provided for. His great objection to this clause was, that under the vague and ambiguous words "or for any private purpose" they were using a term, under which any species of corruption might have been introduced, but if these words were struck out, and the exceptions were limited to registration expenses, and to *bonâ fide* and reasonable subscriptions to charitable or public purposes, he then considered that they should meet every case which it had been suggested as proper to exclude from election expenses, and, at the same time, they would shut the door on corrupt practices. It had been said that the introduction of the word "reasonable" would create a difficulty; he had, however, no objection that the word should not be inserted, as the law would always imply that such payments must be reasonable. It had been said that it would be difficult for Members, in making their declarations, to say whether such subscriptions or payments had been reasonable; but he thought that it was impossible for this difficulty to arise, as no hon. Member could say that he did not know whether such expenditure had been *bonâ fide* for public and charitable purposes, or whether for the purposes of corruption. If they were determined to throw obstacles in the way of the passing of this Bill, by raising difficulties as to the most important part of it—the declaration required from hon. Members—the ingenuity of man might do anything. He hoped it would not be said that lawyers brought lax consciences to this subject, for he believed that when the declaration was trenched round by the present proviso, no difficulty would arise in making it. The election officer being permanent, he should have preferred to have brought the subject of registration under his cognisance; but if that was not the opinion of the Committee, then this clause relieved them of all ambiguity.

SIR JOHN PAKINGTON said, difficulties were forced upon the Committee, and by no person more than by the Attorney General. The result of this discussion would probably be fatal to the Bill, and if it were, it would be owing almost entirely to the hon. and learned Gentleman. The hon. and learned Gentleman had commenced the discussion by opposing the proviso of his hon. and learned Friend (Sir F. Kelly), and now eagerly resorted to it, in order to escape the difficulties of his own construction of the Bill. The hon. and learned Gentleman had not denied that without the proviso the declaration would include charitable contributions, and for his own part he (Sir J. Pakington) hoped that in its present form it would not pass. He and his Friends were seriously anxious to repress bribery, and believed that the Bill would tend to that object; but it must not be carried too far or it would defeat the object, and in his opinion, if the law of the Attorney General were accepted, it would be impossible to pass the Bill.

MR. J. D. FITZGERALD said, it was too much cookery which had created the difficulty. The Bill was aimed against corrupt, and not against innocent acts, and the first sixteen sections amply provided against corruption. This proviso was not only unnecessary, but positively mischievous, because, by stating that certain reasonable expenses were not election expenses, it implied that if those expenses were unreasonable they then became election expenses. The previous clauses provided against unreasonable expenses for registration, or public or charitable purposes, and therefore the proviso was unnecessary. It did not render the Bill a bit clearer, but, on the contrary, if it declared contributions for private purposes legal, it would wholly vitiate their legislation.

SIR FITZROY KELLY said, he would suggest that the clause should be adopted exactly as it was printed, without the word reasonable, in order to obviate the objection which some hon. Gentlemen had raised, that if that word were retained unreasonable expenses on registration might be deemed election expenses, whereas reasonable expenses would not be. He had before stated his opinion that he did not think the clause was required, as it merely amounted to a declaration of what he believed to be the law already; but inasmuch as doubts had been suggested, he thought it was as well to remove those doubts by introducing it.

MR. VERNON SMITH said, his objection to this proviso was, that it would, to some extent, and under certain forms, legalise bribery. He felt called upon to defend his conduct in reference to the Bill both in the Committee and in the House from the observations made by the hon. and learned Attorney General, and he must declare that there was no hon. Member more sincere in his desire to suppress bribery than he was; he must also complain that the noble Lord (Lord J. Russell) should have said that, if there were not a law against bribery already, he should have despaired of being able to carry one.

LORD JOHN RUSSELL said, he believed that, throughout the discussions on this Bill, a majority of the Members of that House had shown themselves anxious to put down bribery; but he thought there were some Members who had made so many difficulties, that he had said, with respect to them, that if there had not existed a law against bribery, he should have despaired of inducing them to agree to one.

The question that the words "or private" be struck out was then put and *agreed to.*

LORD SEYMOUR said, it appeared to him that the whole force of the declaration depended on the terms of the proviso. If they were to make a solemn declaration, they could not, in his opinion, be too minute or careful in marking the sense in which they were to make it, and he thought it was not fitting that the noble Lord the leader of the House, in answer to such an inquiry, should tell them not to be too particular or too precise about the meaning of the words. The difficulty of such a declaration was, that it must, almost of necessity, be either too precise or to lax. If they made it too lax, and the exceptions too large, they left almost every one out; and if they made it too precise, without any proviso at all, it was almost impossible that any man who had been long connected with any town could take it. He should like to ask the hon. and learned Gentleman the Member for East

Suffolk whether, if a gentleman connected with a town, by being its representative in Parliament, but not otherwise locally interested in it, should give a donation of 1,000*l.* to a public library, that was a payment which would be fairly covered by this proviso, and which the law would consider reasonable?

Sir FITZROY KELLY said, he had no hesitation in saying that any such payment as a contribution to a library, or to a church, or to any other salutary public purpose, would be perfectly legal.

Lord JOHN RUSSELL said, it was necessary that he should trouble the Committee with a few words, in consequence of the observation of his noble Friend behind him (Lord Seymour), that it was not fitting that he (Lord J. Russell), when asked with respect to the declaration, should tell them that they ought not to be too precise or too minute as to the meaning of the words employed. Now, what he had said last night—and the right hon. Gentleman opposite (Mr. Henley) had correctly interpreted his observations—was, that any declaration to be made by Members of that House ought to be intelligible, and ought to be understood by those who took it. It was quite a different question, he considered, whether they should endeavour to provide, with extreme minuteness, for every possible case that might occur. There was scarcely any form of words that could be devised with respect to which some persons might not make a difficulty. Nothing could apparently be more clear than the terms of the oath administered to witnesses in courts of justice, to tell "the truth, the whole truth, and nothing but the truth." Yet he had heard it suggested that a witness interpreting that oath strictly, and being told by counsel to sit down when he had answered one or two questions, might refuse to leave the witness-box until he had detailed every minute particular connected with the case which was within his knowledge, because he had sworn to tell "the whole truth." Yet such cases did not happen, because everybody understood that the obligation to tell the whole truth did not amount to an obligation to tell, at all events, every word the witness knew.

Mr. HEYWORTH said, he was opposed to those subcriptions for apparently charitable objects, at a time when a candidate was seeking for the representation of a place.

Mr. GOULBURN said, he wished to afford the noble Lord an opportunity of explaining the words that had just fallen from him. If he (Mr. Goulburn) understood the noble Lord aright, he said that a witness who takes an oath to speak the truth, the whole truth, and nothing but the truth, was not bound to tell the whole of what he knew about the transaction, if he but answered the simple questions that were put to him.

Lord JOHN RUSSELL said, the case he meant was this:—A witness having taken the usual oath, was examined in respect to transactions that had been already stated by several witnesses who had gone before him. The circumstances of the case were fully known. The counsel having asked one or two questions of this witness, was perfectly satisfied, and desired the witness to go down. But the witness, taking the literal meaning of the oath, might insist upon entering into a statement which would probably be a refutation of what had been elicited by several of the witnesses that had been examined before. Now, this he (Lord John Russell) considered would be a refinement of conscientiousness.

Mr. FITZWILLIAM HUME said, he wished to ask whether the declaration would include votes given by hon. Members for the building of bridges and the repair of roads in their counties; for it was not very long since he had been canvassed by an hon. Gentleman opposite to give his vote in favour of the building of a bridge in a particular barony in the county which he represented, and it was at the same time hinted to him that, if he did not, he need not expect the support of the voters in that barony?

Mr. MALINS said, he wanted to know from the hon. and learned Attorney General whether he concurred in the opinion expressed by the hon. and learned Member for East Suffolk (Sir F. Kelly) in reference to the answer which he had given to the noble Lord the Member for Totness (Lord Seymour) with respect to the sum of 1,000*l.* given as a subscription to a library in the town of which he was a Member. If that was perfectly legal, he (Mr. Malins) contended it was also legal for a candidate to do any act in the way of subscribing money that tended to secure his election. The noble Lord the Member for Totness had himself founded a mechanics' institute in the town which he represented. It was no disparagement to the noble Lord to say it was probable that he would not have founded that institution if he had not been chosen as representative of the place. Nor, on the other hand, possibly, would the electors have voted for the noble Lord if he had not subscribed for this work. In the contest in his (Mr. Malins') own borough the great difficulty he had to contend against was, that his opponent was the son of one of the richest commoners in England. The more they considered this question the more the Committee would find that they could not legislate upon those minute matters. He was exceedingly happy to find the right hon. Gentleman the Member for Northampton (Mr. V. Smith), sitting as he did on the Ministerial side of the House, so sensible of the difficulties imposed by the clause; and he trusted that the Committee would yet become so well aware of the impossibility of Gentlemen making the declaration it enjoined, that they would unanimously agree to overthrow it. He would even go further, and say that the inevitable result of the discussion with regard to the declaration must be to prevent the Bill from becoming law at all. The Bill was utterly impracticable and utterly improper. And when they had such a statement before them as that made by the hon. and learned Member for East Suffolk (Sir F. Kelly) that a subscription to the most unlimited amount given by a candidate for the purpose of providing a library, a mechanics' institute, or an almshouse, in the borough whose representation he was contesting, must be held legal, such a statement furnished so satisfactory a proof of the uncertainty attending the whole question of bribery, that he considered it became impossible to pass such a Bill as this. He would then put it at once to his hon. and learned Friend the Attorney General whether he concurred in the declaration of the hon. and learned Member for East Suffolk that the expenditure of a sum of money for founding a charitable institution or a public library by a Member in the borough which he represented could not be considered as coming within the intent of the declaration?

The ATTORNEY GENERAL said, his answer was simply this—if a person representing a particular place *bonâ fide* contributed a sum of money for public purposes, that was not bribery; and to whom did it ever occur that it was? [*Laughter and* "oh, oh!"] It might be his fault, but he could not quite understand the meaning of that cheer; but the restriction was this—if any one contributed a sum of money with a view of influencing an election, no one could doubt that that was bribery; but if, on the other hand, it was done for the purpose of accomplishing some great public object—[*cheers and laughter*]—hon. Gentlemen cheered him, but the question put assumed the perfect *bonâ fide* nature of the contribution—the answer, then, to his hon. and learned Friend was, that if it was a contribution for a charitable purpose, made without any view of influencing the election, it would not come within the terms of the clause; and in the propriety of that he cordially concurred.

Sir BENJAMIN HALL said, he wished to put the case of his desiring to exchange the representation of Marylebone for that of Wallingford. Suppose he thought proper, under those circumstances, to give 1,000*l.* to establish a library at Wallingford, would it not be nonsense to say that money given in that way was not intended to corrupt the electors? It was as complete bribery as any other mode.

Mr. MALINS said, he would put it to the common sense of the Committee—acting upon the rule that a man's acts bespoke his motives—whether a subscription on the part of a Member to a race fund, a ball fund, or to a charitable institution in a borough which he represented, was not given with a view of retaining his seat.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 234; Noes 16; Majority 218.

Clause *agreed to;* as were also Clauses 25 to 30 inclusive.

Clause 31 (Declaration of Member.)

Mr. VERNON SMITH said, that the objections which he originally entertained to this declaration had assumed a tenfold force after the discussion of that evening. The whole of the debate since six o'clock had turned upon this declaration, and provisions had been introduced to make it as nearly as possible what might be swallowed by any Gentleman on entering that House. It was, however, still his impression that it was such a declaration as should not be put to a Member, and that it was calculated to produce greater evils than those it was intended to remedy. He thought it had been clearly shown that it would gradually become a mere conventional and formal declaration. It would be interpreted not to mean this thing and not to mean that; it would be taken in a sense understood amongst men of honour, and it would not have the effect intended. Although, no doubt, it might be in the first instance a stumbling-block to scrupulous persons, yet in the end it would be regarded in the same light as the oath taken by Members not to disturb a succession that no one thought of disturbing, or not to assert that which no one in their senses dreamt of asserting; or it would be treated like the declaration which was taken when it was necessary to have a freehold qualification in order to occupy a seat in that House. He believed that the same freehold had been held successively by Sir James Mackintosh, by Sir Samuel Romilly, and by Mr. Horner, and was given back by each as soon as he had taken the declaration. How could any one be willing to take a declaration which had received so many different interpretations in the course of the debate, and that, too, after the Bill had been before a Select Committee of which the most eminent lawyers in the House were Members? Why, it was clear that every man of honour must feel the greatest difficulty about the matter, and that it was only unscrupulous persons who could take it with ease. He thought, too, that the imposition of such a declaration would have a tendency to impede the administration of justice by Election Committees, since the Members of these tribunals would feel the greatest difficulty possible in deciding that a Member had been guilty of corrupt practices when he had solemnly declared that he had not. Besides, the declaration was really unnecessary, because all the acts against which it was directed had been rendered punishable by other parts of the Bill. He most decidedly objected to expose Members to such a degradation as was involved in the declaration; and he felt so strongly upon the question that he would be willing to divide the Committee against it again and again. He believed it was a fatal defect in the Bill, of which it did not originally form part, though it was now declared by the hon. and learned Attorney General to be its mainstay and prop. He believed the division taken upon this clause on the previous day was sufficiently close to justify him in taking another, and he should, therefore, now oppose the passing of the clause.

Question put, "That Clause 31 stand part of the Bill."

The Committee *divided:*—Ayes 128; Noes 120: Majority 8.

Clause *agreed to.*

The House resumed.

Committee report progress.

Motion made, and Question proposed, "That this House will this day, at Twelve o'clock, again resolve itself into the said Committee."

Amendment proposed, to leave out from the word "will" to the end of the Question, in order to add the words "at the rising of the House this day, adjourn till Monday next," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, *withdrawn.*

Question again proposed, "That this House will to-morrow, at Twelve o'clock, again resolve itself into the said Committee.

Amendment proposed, to leave out the words "to-morrow, at Twelve o'clock," in order to insert the words "Monday next," instead thereof.

Question put, "That the words 'this day' stand part of the Question."

The House *divided:*—Ayes 144; Noes 64: Majority 80.

Main Question put.

The House *divided:*—Ayes 132; Noes 51: Majority 81.

Committee to sit again *to-morrow* at Twelve o'clock.

RUSSIAN GOVERNMENT SECURITIES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. THOMSON HANKEY said, that, if the noble Lord (Lord D. Stuart) persisted in pressing this Motion, he should move that the Bill be committed that day three months. The Bill related to a subject upon which considerable difference of opinion existed among Members of that House, and much discussion would consequently arise in the Committee. He therefore trusted the noble Lord would withdraw his proposal.

Viscount PALMERSTON said, he was quite prepared to vote for his noble Friend's Bill. He thought its principle good, being entirely in accordance with the existing law, which prohibited advances of money directly to an enemy for carrying on war against this country. The Bill provided against indirect advances, stamping them with reprobation. How far it would be practically efficient he was not prepared to say, but, at any rate, it constituted a moral demonstration exceedingly proper for the Parliament to make. The hon. Gentleman (Mr. T. Hankey) said he objected to the principle of the Bill, and that was an objection which could be urged at another stage, and it would be inconvenient, regard being had to the Resolution of the House of Lords with reference to the second readings of Bills, to postpone this measure from day to day. He therefore trusted that the House would at once go into Committee upon the Bill.

Mr. MILNER GIBSON said, he conceived that, if the present Bill was a proper measure of public policy, the Government ought to have introduced it, and informed the House of its provisions. This was a Bill to interfere, not with advances to the Emperor of Russia, contrary, as the noble Lord had said, to law, for the purpose of carrying on war against this country, but with persons living in this country in respect to their ordinary transactions. The noble Lord had not explained one single provision of the Bill, he only said that it was a moral demonstration. That moral demonstration had already been made by the notices from the different Consuls, published in newspapers, declaring that any persons taking a share in a loan issued by the Russian Government since the declaration of war would be guilty of high treason in adhering to the enemies of the country. That being so, he submitted to the House that to proceed with the Bill for the purpose of obtaining a further moral demonstration was unnecessary. He should like to hear the opinion of the hon. Secretary of the Treasury upon the provisions of the Bill. The hon. Gentleman was quite competent to give an opinion upon a question of this kind, and he (Mr. Gibson) had read a very able article upon the subject in the *Economist* newspaper, which he recommended every Gentleman in that House, and especially the noble Lord the Home Secretary, to peruse, for he did not think the noble Lord had read anything in reference to this matter, not even the Bill itself. He should like, he repeated, to hear the opinion of the hon. Secretary to the Treasury as to whether he thought the Bill calculated to do any good, or to prevent the Emperor of Russia in the slightest degree from carrying on war against this country. He did submit that if it were an important measure of public policy, it was not treating the House with respect for the noble Lord the Member for Marylebone, who introduced the Bill, to abstain from explaining the objects of the Bill.

Lord DUDLEY STUART said, he was quite willing, in accordance with the wish of his right hon. Friend, to explain the objects of the Bill. His right hon. Friend had stated, with perfect truth, that the law at present was, that if any British subject should assist in making a loan to the Emperor of Russia during the war he would be guilty of high treason. But it was of no use to make such an enactment if persons were allowed to buy or sell scrip of any loan guaranteed by the Russian Government. A contractor of a loan did not himself supply the whole of the money, nor anything like it; but he sold what was called scrip to other persons, who, in fact, were the parties who supplied the money to the borrowing Government. Now, if any person could sell or buy scrip with impunity, it would be very easy for Russia to obtain a loan. By enacting, however, that it should be unlawful for any British subject to deal with those securities, the effect would be to check these loans, for the contractors, knowing that fact, would not touch a loan under such circumstances, and a great difficulty would be thus thrown in the way of Russia raising money by that mode. He apprehended that one of the great difficulties with which Russia had to contend was in obtaining money. She required money for maintaining her army, for the purposes of corruption, and for exciting rebellion in other countries. It was probable, if such a Bill as this should be made law in this country, that a similar measure would be adopted in France. England and France were the only countries, with the exception of Holland, that were rich enough to lend money; it would be exceedingly difficult, therefore, for Russia to obtain a loan. He should have thought that this mode of dealing with Russia would have been one which would have recommended itself to the peace party to which the right hon. Member for Manchester (Mr. M. Gibson) belonged, because it was a mode of encountering Russia which was bloodless. You sacrificed no life, you shed no blood, but you prevented Russia from carrying on the war. The House would remember the memorable speech of the hon. Member for the West Riding (Mr. Cobden), in which he spoke of crumpling up Russia like a sheet of paper. All he (Lord D. Stuart) asked him now to do was to crumple up the scrip of Russia. His hon. Friend the Member for the West Riding had told him that, if he were present in the House when this Bill was brought forward, he would give it his support. He believed the Bill to be a good Bill, and calculated to effect the purpose he had in view, and he hoped the House would permit it to pass through Committee.

Mr. J. WILSON said, as his right hon. Friend (Mr. Milner Gibson) had appealed to him unexpectedly upon this subject, he could not refrain addressing a few observations to the House. His right hon. Friend had referred to certain sources of enlightenment to which he had had access, but as the nature of those sources were not known to him (Mr. Wilson) his right hon. Friend possessed an advantage of which he could not boast. When, some two years ago, the hon. Member for the West Riding (Mr. Cobden) made the speech which had been alluded to by the noble Lord (Lord Stuart), he very much agreed with him as to the crippling of the power of Russia by crumpling Russia up. He did not, however, agree with the noble Lord the Secretary of State for the Home Department, that they would be crippling Russia by any Act passed in that House, to the effect of the one now before them. He believed, on the contrary, that they would be exposing themselves to the contemptuous remarks of all persons connected with the money markets of Europe, who knew practically the operations of these loans. An Act to deter certain parties from taking part in these loans might be very easily evaded by employing agents at Holland and elsewhere. The Emperor of Russia himself held a very large quantity of stock, created anterior to the war; therefore it would only be for the English capitalist to buy that stock directly from the Emperor of Russia, in order to contribute to the Russian exchequer. But suppose they were to interdict this particular part of the Russian debt from being dealt with in the English market, it was clear they might thereby reduce the price of the stock in the market; but that would only be giving a premium to the capitalists in other countries to buy it up. The English capitalist would hold the Russian anterior debt, and the Dutch would hold the new debt, and all that would be done in the market would be simply a transfer of stock. He was bound to state that he thought any legislation of this kind, so far from accomplishing its object, was calculated to bring the House into disrespect, and was discreditable to the Legislature.

Mr. I. BUTT said, he would suggest that the noble Lord the Member for Marylebone should postpone the discussion to another day, as it was quite obvious the subject must undergo a serious debate. If the argument of the hon. Gentleman (Mr. Wilson) was worth anything, then the law was wrong which made it high treason to contribute directly to the aid of the Russian exchequer. This Bill appeared to him to be simply intended to give effect to what was now the unquestioned law in cases in which that law might now be evaded.

Mr. BRIGHT said, he objected to the Bill on the ground that it was entirely useless. If that fact were not known before, it must be quite evident, after the convincing speech of the hon. Member for Westbury (Mr. Wilson). The effect of the Bill would be to injure our own subjects, without being in any way detrimental to Russia. In passing this Bill our conduct would resemble that of the Irishman, who, being offended with a bank, revenged himself by burning its notes which he had in his possession. At any rate it was impossible to go on with the Bill after such a difference of opinion had prevailed respecting it between the Secretary for the Home Department and the Secretary for the Treasury. It was necessary for the Government to have a conference on the Bill before they invited the House to pass it. The measure was called a moral demonstration; but the Emperor of Russia was not a man to care much about moral demonstrations. The Bill was only another of the many claptraps which were palmed off upon the people of this country with reference to this question. The noble Lord the Member for Marylebone had what was called "a bee in his bonnet" with regard to Russia, and thought everything fair that was directed against that Power. The noble Lord was a supporter of the noble Home Secretary, and the latter, with the fidelity which he always showed to those who supported him —and for which he (Mr. Bright) admired him—felt it necessary, without having examined the Bill, or believing that it would be of the least service, to ask the House to pass it. The measure would only raise a smile on the countenance of the Emperor of Russia, if, under existing circumstances, he could force a smile.

Mr. HENLEY said, he was inclined to believe that the Bill was only moonshine; but it involved considerations of great importance, with which the Government alone ought to deal. The Government, however, now stood in a rather inconvenient position as regarded the measure; for while the noble Lord the Home Secretary, on the one hand, called upon the House to pass it on grounds of high policy, the hon. Gentleman the Secretary of the Treasury had condemned it in the strongest terms. Under these circumstances, it was impossible to proceed with the Bill at present, and it should be postponed until the Government had come to a decision upon it.

MR. CAIRNS said, he also thought that further proceedings in respect to the Bill should be postponed until the Government had held a conference upon the difference of opinion manifested by the Home Secretary and the Secretary for the Treasury. This brief discussion, important in many respects, had elicited a remarkable admission from the hon. Member for Manchester (Mr. Bright), namely, that moral demonstrations were useless, and that it was time something substantial should be done.

MR. WILKINSON said, he must express his disapprobation of the Bill, and should move, as an Amendment, that it be committed on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MONTAGU CHAMBERS said, that in defending the Bill, he must admit that, after what had passed, it was necessary to postpone it, and he therefore moved that the debate be adjourned to Monday.

Motion *agreed to.*

Debate *adjourned* till *Monday* next.

The House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Saturday, July 22, 1854.

MINUTES.] PUBLIC BILLS.—*Reported*—Land Revenues of the Crown (Ireland); Land, Assessed, and Income Taxes.

3° Borough Rates; Sale of Beer, &c.; Reformatory Schools (Scotland); Ecclesiastical Jurisdiction; Stock in Trade Exemption; Inclosure, &c., of Land; Common, &c., Rights; Friendly Societies Acts Continuance; Spirits (Ireland); Burials beyond the Metropolis.

SALE OF BEER, &c., BILL.

Order for Third Reading read.

MR. H. BERKELEY said, he could not altogether approve of this Bill, because he thought it would prevent the comfort of the working classes when they were taking their recreation and pleasure by excursion trains on Sundays. By this Bill, when an excursion train landed its visitors after one o'clock on Sunday, it would be impossible for them to obtain any refreshment, for if they ordered dinner, by the time it was got ready two o'clock would arrive, and then they would all be turned out, whatever the weather might be. Was the piety of the age so extreme that persons were not to be able to obtain needful refreshment on Sundays? If so, why did they not legislate for the rich as they did for the poor? Why did they not close the clubhouses of the rich on Sunday, and prevent them from going to Greenwich to eat whitebait, or to Richmond to eat turtle and venison? It was said that travellers were exempted from the operation of this Bill, but the magistrates had come to the decision that pleasure seekers were not travellers under the Statute, and if this Bill passed, every man who went out of town on a Sunday must go with a knapsack on his back. Such legislation was not to be tolerated. A vast number of persons were of opinion that, after the due observance of the Sabbath, the more recreation there was for the working classes the better it was for them and their morals. He believed that excursion trains, instead of promoting drunkenness, acted as a check upon intemperance. It was a mistake to suppose that there was more drunkenness on Sundays than on any other day. Inquiries had been made in nine of the largest cities in the kingdom as to the number of charges of drunkenness on Whit Sunday, and it was found that not more than thirty-four persons were charged with drunkenness out of a population of 1,000,000, being only 1 in 30,000. He could not, therefore, consent to a measure which proposed to inflict so much injustice on the community.

MR. WILSON PATTEN said, if it could be shown that the Bill bore unequally on the poor he would at once withdraw it; but he must assert that it would have no such effect. It would bear equally on all classes, and in no way interfere with the rational amusements and recreations of the people. He had, at the request of persons engaged in the trade, added an hour to the period during which publicans could keep open on Sunday, namely, ten instead of nine o'clock, and he believed with that concession they were perfectly satisfied. He believed that the Bill would not interfere with rational amusements, or prevent the working people from availing themselves of the cheap excursion trains in any way, while at the same time he felt certain it would prevent a great deal of immorality and vice.

Mr. H. BERKELEY said, that the

alteration of the hour from nine o'clock to ten did not at all meet his objection to the Bill.

Mr. HEYWORTH said, he could state that this legislation sprang from the poor, and it was at their request that the House was now asked to pass this Bill. He believed that if the Bill went further, and closed public-houses and beer-shops during the whole of Sundays, it would meet with the acquiescence of all the respectable and intelligent portion of the working classes.

Lord DUDLEY STUART said, he would not support this Bill if it were legislation of a partial description. The hon. Member for Bristol (Mr. H. Berkeley) quite misunderstood the Bill, for if it passed, neither the rich nor the poor would be able to remain in taverns and public-houses after a certain hour on Sundays. He believed that it would be the desire of the poor that the public-houses should be still further limited in their hours, if not altogether closed, on Sundays. In Scotland all public-houses were closed during the entire Sunday, and the result was excellent; for there had been a most material diminution in the number of persons who were charged with drunkenness on Sundays, and the aspect of the larger towns was completely changed.

Mr. BANKES said, he only doubted whether this Bill went far enough. There was a strong feeling out of doors in favour of this Bill. It was, indeed, the only subject upon which the public had manifested a unanimous opinion during the present Session.

Mr. W. J. FOX said, that the concession of an extra hour at night was no concession to the parties for whom the hon. Member for Bristol had put in a plea. Those persons were not those who wished to sit in a public-house an hour longer at night, but who wished, when they availed themselves of the opportunity which the excursion trains afforded them for enjoying the country air, to obtain that refreshment of which they stood in need.

Mr. HENLEY said, he was glad that this Bill was likely to become law. He thought that persons who were going out by excursion trains were travellers in every proper sense of the word, and he could not conceive that any magistrate would levy penalties upon publicans who sold beer to persons who were going by train from one part of the country to another. Therefore these persons could not be inconvenienced by the present Bill.

Mr. CRAUFURD said, he considered that, if the Bill were attempted to be carried out, those people who now resorted to public-houses on the Sunday would take to drinking in secret. He believed as the law was generally interpreted excursionists were not regarded as travellers.

Mr. LANGTON said, that even under the present law publicaus in Bristol had been fined heavily for supplying refreshments to excursionists.

Bill read 3^{a}, and *passed.*

BRIBERY, &c., BILL.

Order for Committee read.

House in Committee.

The remaining Clauses after Clause 13 *agreed to,*

Lord JOHN RUSSELL moved the insertion of the following clause—

> "And whereas doubts have arisen as to whether the payment of the expenses of conveying Voters to and from the poll be or be not according to law; and it is expedient that such doubts should be removed, and that the law should be settled in these particulars, be it Declared and Enacted that, from and after the passing of this Act, it shall be lawful for any candidate or other person, subject always to the provisions of this Act as to the payment of election expenses, to pay or cause to be paid the actual and reasonable expense of bringing any Voters to the poll."

Clause *brought up*, and read 1°, 2°.

Mr. CRAUFURD proposed an Amendment, to insert the word "not" after the word "shall."

Lord ROBERT GROSVENOR said, that the clause would render the payment of what were called "actual and reasonable" expenses, not only legal, but imperative, on the part of candidates. The effect of the clause would be that in future it would be necessary for candidates to provide carriages for the conveyance of voters to the poll in many places where no expenditure for such a purpose had hitherto been requisite. He wished to know what construction was to be put upon the term "actual and reasonable expenses?"

Mr. HEYWORTH said, he objected to the clause, considering that its tendency would be to degrade the electors.

Mr. VERNON SMITH said, he thought it would be very difficult to put a satisfactory construction upon the term "reasonable expenses." Would the provision of refreshments for voters on their way to the poll, or payment for the board and lodging of electors who could not go to the poll and return to their homes on the same day, be regarded as "reasonable expenses?" He thought the effect of the Bill as it stood, and of some of the clauses which it was proposed to introduce, would be to legalise wholesale bribery, and to punish retail bribery with great severity. He considered that under this clause most exorbitant sums might be charged to candidates for the hire of carriages and cabs at elections.

MR. HEADLAM said, he had given notice of a clause on this subject which he thought would operate more satisfactorily than the clause under discussion. His objection to the present clause was, that it would render, not only legal, but compulsory, a great deal of expenditure which he considered entirely useless. A legislative enactment legalising all travelling expenses at elections would lead a large proportion of the voters in large towns to think that they were entitled to be taken up to the poll in hackney carriages. The effect of this idea would be that the owners of hackney carriages in such towns would charge enormous sums for the hire of their vehicles, and thus a system of indirect bribery would be established with regard to the coach-owners.

SIR GEORGE GREY said, he believed that the words of the clause were in strict conformity with the legal decision of Lord Lyndhurst on the subject of election expenses, and he was not aware that any practical inconvenience had resulted from the existing law. If the Amendment of the hon. and learned Member for Ayr (Mr. Craufurd) were adopted, any man who sent up his tenants or friends to the poll in his private carriage would be liable to very heavy penalties.

MR. W. J. FOX said, he wished to know whether the noble Lord would object to introduce words into the clause, making payments for bringing up voters to the poll contingent upon the previous consent of the candidates? He had known elections at which all the cabs in a town had been engaged by the friends of one candidate, and the consequence was, that the opposite party were put to an enormous expenditure in bringing vehicles from a distance. As under this clause every voter would expect to be taken to the poll in a carriage, he thought that its effect would be very considerably to extend such a system of vexatious opposition. In the exercise of the franchise there was a privilege to be enjoyed and a duty to be discharged, and he thought it would be just as reasonable to send out carriages on a Sunday to convey persons to their parish churches, where there was a privilege to be enjoyed and a duty to be discharged, as to provide vehicles for the conveyance of voters to the poll. He would support the Amendment, believing that the clause would open a very wide door to bribery and corruption.

MR. MASSEY said, he would suggest the substitution of the word "necessary" for the word "reasonable."

VISCOUNT MONCK said, at one election he stood for, not a shilling was spent corruptly, but all the vehicles in the county were engaged at an enormous expense. He voted against the noble Lord the Member for Middlesex (Lord R. Grosvenor) the other night, but he was now convinced that he was wrong.

MR. HILDYARD said, he considered that if this clause did not pass they would practically disfranchise the small freeholders, who were the most independent voters.

MR. CRAUFURD said, if he succeeded in carrying his Amendment, he should propose further to amend the clause by striking out the word "reasonable." If this clause was carried as it was, he should certainly vote against the declaration.

MR. ELLIOT said, he should be glad to know, if this Amendment were carried, how the electors in the northern parts of Scotland were to get to the poll?

MR. J. D. FITZGERALD said, there was now no doubt whatever that a candidate might pay the reasonable expenses of bringing voters to the poll. Doubts, however, often arose whether the payment of expenses had been made a cover for bribery; and they would not be lessened by this clause. Considering, therefore, that the clause was quite unnecessary, he should vote against it, because he believed that it would make the carriage of voters to the poll a general instead of an exceptional practice, as electors would then insist on it as a right. He should also oppose the Amendment, because he thought it would disfranchise a large portion of the poorer voters in counties.

SIR CHARLES BURRELL said, the proper way of meeting the difficulty would be to take the votes of the electors at their own houses.

MR. CAYLEY said, he had considerable doubts with respect to the proposed clause. He feared it would lead to increased expenditure.

LORD JOHN RUSSELL said, he had proposed this clause on the understanding that it was the wish of the House that the expenses of travelling should be allowed. If the House said they wished the law to be left as it was, and that this clause should not be inserted, he could well understand that wish; but if they decided on having a determination of the law one way or the other, it was plain they must incur a chance of one of two evils. The one evil was, that if they declared positively to be the law that which was now avowedly the law, they gave more positive sanction to it, and it might happen, though he did not think it would to a great extent, that some persons who had hitherto not asked to be carried to the poll might, in future, ask to be carried to the voting place. But if they decided, in the other direction, that they would not allow any of these expenses to be incurred, he thought that would lead at once to a great number of the voters, more especially the forty-shilling freeholders, not being able to give their votes. He considered that to be a far greater evil than the chance there would be that some persons somewhere or other might be carried to the poll who had not been carried hitherto. But, with regard to the evil of conveying voters to the poll, he owned he did not consider it a great one. An hon. Gentleman had said that a voter felt degraded if he was carried to the poll. No doubt in many towns the great majority of voters thought they were exercising their franchise more freely and independently if they walked to the voting place without putting the candidate to any expense. But those men would have the same privilege still. He did not see that a man's independence of mind was destroyed by being told there was a clause in an Act of Parliament which declared that to be legal which everybody knew to be legal before. With regard to the proposition for amending the clause, he did not think there was any advantage in it. The Committee might change its mind in wishing to have a decision on the subject at all, but unless that was their opinion he hoped they would decide one way or the other, either decide in favour of the Amendment of the hon. and learned Member for Ayr, and thereby disfranchise a great portion of the voters, or vote for the clause as it stood.

SIR JOSHUA WALMSLEY said, that it had been much insisted upon that if they did not allow certain expenses for conveyance, they would prevent many voters from voting, and there might be some show of reason for that as regarded the counties, but that argument could not apply to boroughs. If this Bill was for any purpose at all it was to prevent bribery, but this clause would legalise one form of bribery; it would legalise that which had been hitherto very doubtful. If they were to legalise this mode of corruption in the counties, he hoped at least that it would not be extended to the boroughs.

MR. BONHAM-CARTER said, he saw no objection to allow the actual reasonable expenses to voters, as proposed by the noble Lord, but he should prefer the suggestion of the hon. and learned Member for Newcastle-on-Tyne (Mr. Headlam).

LORD ROBERT GROSVENOR said, he wished to know whether tavern expenses to electors who were travelling to the election would be allowed under the Act?

LORD JOHN RUSSELL said, that reasonable travelling expenses would be allowed, but that refreshment expenses would not be allowed. [Lord R. GROSVENOR: But hotel expenses?] It would be impossible to answer every question that might arise.

Question put, "That the word 'not' be there inserted."

The Committee *divided*:—Ayes 49; Noes 110: Majority 61.

MR. HEADLAM said, he would now bring forward the Amendment of which he had given notice.

Amendment proposed, at the end of the Clause, to add the words—

> "Provided always, that in the case of boroughs no travelling expenses shall be deemed reasonable, except the expense of bringing up to the poll from their residences within the borough, or with respect to freemen from their residences within seven miles from the borough, aged or infirm voters."

MR. SAWLE said, he would remind the hon. and learned Member that some boroughs were as large as small counties.

MR. FREWEN said, that around Leicester, for instance, there were many villages in which a great number of poor freemen resided, and the clause would virtually disfranchise them. In some straggling boroughs voters might virtually reside as far as fifteen miles from the voting place.

LORD SEYMOUR would ask the hon. and learned Member for Newcastle how he could justify the application of one rule to boroughs and another to counties?

MR. HILDYARD said, he would read the proviso which the hon. and learned Member proposed next to move, namely—

> "Provided always that, in case any candidate shall, *bonâ fide*, endeavour and exercise reasonable care to limit the expenses for travelling and refreshment in accordance with the provisions of this clause, he shall not be personally liable, nor shall his seat be avoided for any accidental payment for travelling or refreshment, not strictly authorised by the rules hereinbefore laid down."

How would it be possible to convict any person after that proviso?

Mr. HEADLAM said, that the qualification in boroughs was a residential, and that in counties a property, one. That, he thought, was a very good reason why a difference should be made.

Mr. W. WILLIAMS said, it was a sufficiently suggestive circumstance, that these objections should come from a party who had shown such a disposition to cling to the last rag of corruption. The voters in the neighbourhood of Leicester were in the habit of walking several times every week with their work, and might do so to exercise one of the proudest rights of Englishmen.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 51; Noes 95: Majority 44.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 88; Noes 47; Majority 41.

Clause *added* to the Bill.

Lord JOHN RUSSELL then proposed the following clause—

"The giving, or causing to be given, to any Voter on the day of nomination or day of polling, on account of such voter having polled, or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be held and be taken to amount to bribery or treating, as the case may be, within the meaning of this Act."

Mr. WALPOLE said, he must warn the Committee that if they made the Bill repugnant to the feelings of the people of this country, it would fail of its object.

Mr. HILDYARD said, he apprehended that the lunch which it was usual to give at elections for the University of Cambridge to every Voter without reference to the party he had polled for, would, if the clause were agreed to, render even dignitaries of the Church liable to be tried for misdemeanor. He therefore appealed to the noble Lord not to proceed further with a clause that would only render them ridiculous.

Mr. HEADLAM said, that the refreshment question ought to be settled, or otherwise the Bill would be construed to sanction unlimited "reasonable" expenses.

Mr. HENLEY said, the effect of the clause would render penal the hospitality of one friend who invited another to breakfast with him on the way of election.

Lord JOHN RUSSELL said, he nevertheless thought that the clause ought to form part of the Bill. He would, however, propose the clause on the report, in order that its wording might be reconsidered.

Clause *withdrawn.*

Mr. WALPOLE (in the absence of Sir F. Kelly) moved to insert the following clause in the place of Clause 28 of the original Bill—

"The election officer shall keep all accounts which shall come to his hands in some fit and convenient place, and shall, at all reasonable and convenient times, submit the same to the inspection of the candidates and their agents, and permit them to take copies of the same upon request; and when such general account as aforesaid shall be so made out and signed by him, he shall keep the same in some fit and convenient place, and such general account shall be open to the inspection of any voter, and copies thereof shall be furnished to any voter at all reasonable and convenient times upon request, such voter paying a fee at the rate of one shilling for every 200 words for the same; and when the election officer shall have concluded the business of an election, he shall deliver over all the accounts in his hands to the clerk of the peace in counties, and to the town clerk or other officer performing any of the duties of town clerk in cities and boroughs, and to the sheriff clerk in counties in Scotland, and shall deliver over to the candidates respectively the balance of all moneys, if any, and all vouchers in his hands, and shall allow them to be inspected by any person on payment of one shilling, and shall furnish copies of the same, or any part thereof, on the payment of a fee at the rate of one shilling for every 200 words, except any vouchers appertaining personally to himself."

The clause was *agreed to.*

The House resumed; Bill *reported* as amended.

The House adjourned at half after Five o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, July 24, 1854.

MINUTES.] PUBLIC BILLS.—1ª Borough Rates; Sale of Beer, &c.; Reformatory Schools (Scotland); Ecclesiastical Jurisdiction; Stock in Trade Exemption; Inclosure, &c., of Land; Common, &c., Rights (Ordnance); Friendly Societies (No. 2); Spirits (Ireland); Burials beyond the Metropolis; Admiralty Court; Land Revenues of the Crown (Ireland); Highways (Public Health Act); Education in Corporate Towns.

2ª Public Libraries; Parochial Schoolmasters (Scotland); Registration of Births, &c. (Scotland); Youthful Offenders; Usury Laws Repeal; Returning Officers; Turnpike Acts Continuance, &c.; Convict Prisons (Ireland); Jury Trials (Scotland); Indian Appointments, &c.; Real Estate Charges; Royal Military Asylum; Poor Law Commission Continuance (Ireland); Heritable Securities (Scotland); National Gallery, &c. (Dublin).

Reported — Public Revenue and Consolidated Fund Charges; Registration of Bills of Sale (Ireland); Jamaica Loan; Sheriff and Sheriff Clerk of Chancery (Scotland); Joint Stock Banks (Scotland); Crime and Outrage (Ireland).

3ª Marriages (Mexico); Highway Rates; Turnpike Trusts Arrangements; General Board of Health; Acknowledgment of Deeds by Married Women.

Royal Assent — Gaming Houses; Indemnity; Insurance on Lives (Abatement of Income Tax) Continuance; Poor Law Board Continuance; Turnpike Acts Continuance (Ireland); Union Charges Continuance; Holyhead Harbours; Linen, &c., Manufactures (Ireland); Ecclesiastical Courts; Commons Inclosure; Dublin Carriage; New Forest; Savings Banks; Middlesex Industrial Schools.

THE QUEEN'S MESSAGE.

Order of the Day for the consideration of the QUEEN'S MESSAGE read.

The Message having been read as follows—

> "VICTORIA R.
>
> "Her Majesty, deeming it expedient to provide for any additional Expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of Russia, relies on the Affection of the House of Lords for their Concurrence in such Measures as may be necessary for making Provision accordingly."

THE EARL OF ABERDEEN: My Lords, in moving an Address of thanks to Her Majesty for Her most gracious Message, and in giving Her the assurance that this House will concur in Her Majesty's desire, expressed in Her gracious Message, I do not anticipate any objection on the part of your Lordships. My Lords, whatever may be the differences of opinion on the subject of the war in which we are engaged and the events which led to it, I shall assume that there is an entire agreement of opinion on the necessity of adopting all such measures as are best calculated to lead to an early and successful termination of it. My Lords, I shall also assume that this result is mainly to be produced by the activity and energy of the efforts of England and France, with the concurrence of the other Powers. My Lords, it is to be presumed that at the present period of the year the close of the existing Session of Parliament cannot be long delayed. It is also highly probable that in the course of the year contingencies may arise of which it may be of the highest importance that we should be able to avail ourselves and to turn to account, in the prosecution of those endeavours that are to lead to the happy result to which I have referred. My Lords, it is intended for these reasons—following the precedent which upon similar occasions has been adopted—to ask Parliament for a Vote of credit to the amount of 3,000,000*l.* sterling—a large sum undoubtedly, and one which it is possible some noble Lords might prefer to see intrusted to other hands than those who will have the disposal of it. But I am willing to believe that no such wish will interfere in any degree with their desire to promote and assist, as far as possible, the efforts which Her Majesty's Government have made and will make under the circumstances to which I have referred. The House will clearly understand that this money which has been now demanded has already been voted and provided by Parliament. There is no question of any new burdens on the people—no new tax—no loan; it is an authorisation to employ funds already provided, but which have hitherto not been appropriated by Parliament. Under these circumstences, my Lords, I think I do not make an unreasonable proposal in following that course which, under similar circumstances, has been observed by all preceding Governments, and in asking your Lordships to concur with the other House in making provision for any additional expenses that may arise. I move that an humble Address be presented to Her Most Gracious Majesty to return to Her Majesty the thanks of this House for Her most gracious Message, and to assure Her Majesty that this House will cheerfully concur in such measures as are necessary for making due provision for any additional expenses which may arise in consequence of the war in which Her Majesty is now engaged.

THE EARL OF ELLENBOROUGH: My Lords, I think that this is not a convenient opportunity for entering into details connected either with the diplomatic or military transactions of the war. To the Motion that has been made by the noble Earl I certainly can have no objection. We are engaged in a war that is just, necessary, and politic, and I, least of all men, can have any objection to the Motion, as I think that these measures should have been proposed last year at this time, and that, if this had been done, it would have afforded the only possible chance of successfully terminating the negotiations in which we were then engaged, by showing that it was the intention of this country to support by war the representations we made in diplomacy. This only I will venture to say—I think we have a right to expect that, in administering those funds which have been so liberally and with such confidence placed by Parliament at the disposal of the Government, Her Majesty's Ministers, while consulting the efficiency of the military service, will not be forgetful of economy; and that, above all things, they will carry the most searching economy into all those civil departments which have no connection with the war, and in which economy cannot by any possibility impair our efficiency in the field, but may most materially conduce to our financial efficiency, and may enable us, without burdening the people, to conduct this war to a satisfactory conclusion. My Lords, I know that a great war so occupies men's minds that they do not attend so much as they should to economy in the civil departments of the State, and, that while there really exists no reason whatever for an increase of expenditure in the civil departments unconnected with the war, it nevertheless does increase more largely in consequence of want of due consideration and thought being applied to it. It seems to me to be more especially the duty of my noble Friend at the head of the Government himself to look not merely to the great important charges, but into the most minute details of expenditure of every civil department of the State, in order to effect a general strict economy, and to satisfy the people that no money has been misapplied, and that what the people give willingly is applied sagaciously and honestly to the furtherance of the public service. I could not allow this Motion to pass without saying thus much. It is deeply impressed on my mind, this necessity for economy at the commencement of a war of which no man can foresee the termination. I am sure it is necessary to give contentment to the people, and to enable us to carry the people with us through the difficulties now before us.

THE EARL OF HARDWICKE: Certainly, my Lords, there can be no question of greater importance than that we have now before us—that of voting an Address to Her Majesty in answer to the Message requiring our concurrence in voting the sum of money necessary for carrying on the war. The noble Earl (the Earl of Aberdeen) has stated that there may be some noble Lords in this House who may wish to see the charge of this war in other hands, but that he feels assured, from the loyalty we bear to the Throne and the necessities of the Crown, that we should willingly deliver into the hands of the Government the control of the funds necessary for carrying on that war with vigour and efficiency. For my own part I perfectly agree with the noble Earl that the necessities of the Crown warrant that demand upon our confidence, and I myself shall most readily concur in placing in his hands those powers for which he asks. There can be no question, my Lords, that in any ordinary case of this sort we might fairly claim to enter into a discussion on the general question and objects of the war; but in the present instance I am ready to admit there are difficulties in the way. First of all, we are kept entirely in ignorance of the plan upon which the war is to be carried on. We see great exertions in the Baltic and the Black Sea—great efforts ably conducted by the Government—by that I mean we see a large naval force in the Baltic and a similar force in the Black Sea—and we see transported to the shores of the Danube a larger army than this country has seen brought together for many a day. We see great preparations for the war, but of what is intended to be done we know nothing—and, therefore, to comment upon the operations of the war would be most inexpedient, seeing that it would be impossible to do so with justice. I will, therefore, content myself with saying that I hope and trust my noble Friend, by means of those powers which have been so liberally placed by Parliament in the hands of the Government, will be enabled, by God's Providence, to conduct this war to a happy issue. But the Government must at the same time bear in mind that they are in this peculiar position—that by means of the extraordinarily large force they have at their disposal in the various parts of the world where their operations are being conducted they have raised the hopes and expectations of the people of this country to such a pitch, that if the season during which operations are practicable should pass away without any great deed of arms being accomplished, equal to the expectations which the powers and forces employed have raised, a very great responsibility will rest upon the Government. For myself and my noble Friends who act with me, concurring as we do in the necessity of arming the Government with all the powers necessary for carrying on the war with vigour, and bringing it to a happy issue, we shall give a cordial support to the noble Earl's Motion.

EARL FITZWILLIAM: My Lords, I

feel myself called upon to make a few remarks on what, I confess, appears to me to be the very singular position in which the Parliament of the country is placed by Her Majesty's Ministers. I agree with my noble Friend who has just sat down, and with the noble Earl beyond him (the Earl of Ellenborough), that it is desirable during the progress of the war to have the most searching investigation into the financial position of the country. I must remark, however, that the practice of raising such questions in Parliament, and particularly in this House, has a tendency to encourage what I conceive to be a most mischievous feeling amongst the people of the country, and one which ought not to be encouraged by persons in high station in that or the other House of Parliament; I allude to the delusion that this country is the highest taxed country in the world. So far from this country being the highest taxed country in the world, I believe, if you look around the States of Europe, you will find there is none in which the people who are called upon to pay the taxes are more capable of paying them than the people of this country. Instead, then, of this country being described as being the highest taxed in Europe, it ought to be described as that in which the taxes fall more lightly on the people than in any other section of the European commonwealth. But I do not, on that account, think it the less necessary that economy should be observed in the administration of those funds which the liberality of the other House of Parliament—sanctioned, I trust, by your Lordships—have placed at the disposal of Her Majesty's Government. I think, however, that both this and the other House of Parliament has been placed in a singular position by the speech of the noble Earl at the head of the Government; and my noble Friend must allow me to say that there never was a speech made on such an occasion as this of which it might be more truly said, that it conveyed scarcely a single idea to the Parliament to which it was addressed. But, though it conveyed but little information, there did fall from the noble Earl an ominous expression, to which I am desirous of calling the attention of your Lordships; and if perchance beyond the walls of that House it should be the means of drawing some little attention to it in other quarters, I shall not regret the observation I am about to make. My noble Friend spoke strongly—and he could not speak more strongly than I feel upon the subject—my noble Friend spoke strongly of the restoration of peace, and, in doing so, he used this ominous expression—" with the concurrence of other Powers." My noble Friend must forgive me for saying that, having used this expression, it was the duty of my noble Friend to relieve it from the mystery in which it is involved. I desire now to know—and I think I am not singular in that desire—I desire to know who are the Powers whose concurrence my noble Friend is anxious to obtain?

Lord BROUGHAM: The noble Earl said, "concurrence in carrying on the war."

Earl FITZWILLIAM: "Concurrence in carrying on the war!" I think my noble Friend talked of concurrence in the restoration of peace. ["No, no!"]

The Earl of ABERDEEN: It is totally a mistake. I said nothing of the sort, and I made no reference whatever to any other Powers with respect to peace. I spoke entirely with respect to war.

Earl FITZWILLIAM: I am sorry that I misunderstood my noble Friend, and I take it that he only spoke of carrying on the war in concurrence with other Powers. Now, for the purpose of carrying on the war, we are in concurrence with Turkey as principal in the war, and France and England appear in the matter as the allies of Turkey. But, my Lords, I do not quite understand the distinction which my noble Friend draws, because, according to his own theory—and to that theory I have no objection—the only object of carrying on war is to secure peace. Why, then, after all, we are in concurrence with other Powers for the attainment of peace. Undoubtedly, if my noble Friend tells us that in any conditions for peace we are not to be engaged with any other Power besides Turkey and France, then I understand the position in which we are placed; but is that the true interpretation which I am to put upon the position in which this country is placed? Am I to understand that France and England, as the allies of Turkey, are not to be engaged with any other Power in endeavours for the restoration of peace? Now, my Lords, the great object which Her Majesty's Ministers ought to have in view is undoubtedly, as my noble Friend at the head of the Government has stated, the restoration of peace; but give me leave to say that the restoration of peace is a task which I expect my noble Friend will find to be one of not very easy attainment. If we are to attain peace, it must be by a serious blow against the Power with whom we are at war. We must not confine our operations to attacking small ports. While upon this matter, allow me to avail myself of the opportunity of expressing the deep regret I feel that any portion of the exertions of the country should have been diverted from what I think must appear, not only to me, but to your Lordships, the great objects which we ought to have in view. I take this opportunity of expressing my regret that any portion of those exertions should have been, in any part of Europe, in any part of Asia, or in any part of the world, diverted from the endeavour to strike those blows upon the enemy which would be most likely to induce him to make peace. It is not by attacks upon small ports in the Baltic, nor is it by an analogous conduct in the Black Sea, that we can hope to strike those blows which will induce the enemy to make peace, or to meet us upon those terms on which it might be fitting to make peace. I confess, my Lords, that I do entertain great apprehensions with respect to the terms on which it is possible or probable that it may be proposed to make peace. I trust they will be such as will secure, as far as any human foresight can secure, the Turkish empire from being at the mercy of the power of Russia. That is the true object which we must have in view; and what I am afraid of is this—that we may be induced by other Powers to consider that certain minor objects would be sufficient to justify us in obtaining what appears to me to be the great object we ought to have in view. I can easily conceive that there are Powers which would be perfectly satisfied with the abandonment of the Danubian Principalities, and the placing of the Danube in a position free to other Powers; but most undoubtedly this must not be held to be sufficient for the object we have in view. Austria may free Wallachia and Moldavia from the presence of the Russian armies, the mouths of the Danube may be opened to Austrian commerce, and yet nothing have been done towards maintaining the integrity and independence of the Ottoman empire. And, while speaking of the integrity of the Ottoman empire, I should certainly like to know, though I do not think I shall obtain the information—I should like to know what is the interpretation which Her Majesty's Ministers place upon the expression, "the integrity of the Ottoman empire?" Do they simply mean the maintenance of that boundary to which the Ottoman empire was circumscribed by the Treaty of Adrianople, or do they mean the placing of Turkey in such a position that, with or without the assistance of such allies as she now has, she will be enabled to maintain her independence against the aggressions of Russia? I certainly should be very desirous of hearing from Her Majesty's Ministers, little as I expect it, what is their interpretation of the expression, "the integrity of the Ottoman empire." Your Lordships will give me leave to say, that it must be an integrity not merely explained by the boundaries fixed by the Treaty of Adrianople, but it must be an integrity which would be coincident with its independence and its power to maintain that independence against future aggression. That future aggression will be made, I think your Lordships cannot doubt; and if you conclude the war by the simple restoration of things to the position in which they stood a year and a half ago, you may depend upon it that no very long time will elapse before you will be obliged to engage in another contest, perhaps not under such favourable circumstances as now—that you will, if you continue to think it wise to maintain the independence and integrity of the Ottoman empire, be obliged at no distant time to engage in another war for that purpose Now, my Lords, it is because I am desirous that we should never again be placed under a similar obligation that I hope that, whatever negotiations we may engage in, the result of those negotiations will be such as will enable us to look with satisfaction upon the endeavours we are now making to maintain the integrity and independence of Turkey. I am not desirous of troubling your Lordships with any further observations, but I could not refrain from calling your Lordships' attention to what appears to me to be the very singular position in which Parliament and the Government of the country are placed—a position in which the former is not informed of what are the intentions of the executive Government.

THE MARQUESS OF CLANRICARDE: My Lords, in the present temper of the House, I should certainly not be desirous of detaining your Lordships, but I cannot refrain from adding my expression of surprise to that of the noble Earl who has just sat down at the extraordinary course which has been pursued upon this occasion. I say "extraordinary," because, although I do not pretend to be learned in Parliamentary history—and, thank God, since I have sat in Parliament there have been but few occasions like the present—certainly upon no one of those occasions has such a speech been made, in proposing a Vote of Parliament such as the present, as that which has been made to-night by the noble Earl at the head of the Government. It has been the custom on all former occasions—and that custom ought to be adhered to now—to afford some explanation of the condition and prospects of the war, and of the state of the country in relation to its allier. I must say that when a Minister, having already had repeated supplies from Parliament—voted with unexampled liberality—comes to ask for a further Vote, he should at least give some information respecting the progress which has been made and the operations performed since the former supplies were asked for. Why, my Lords, if the noble Earl had nothing else to say, he might, at least, have availed himself of the opportunity to make some remark upon, and pay some tribute, however slight, to the glorious and brilliant exploits of the ally in whose cause we have embarked. If any successes worthy of being spoken of have been achieved, they are due, not to the British Government, and I regret to say, not to the British arms—they are due to the Turkish arms—to the firmness of the Turkish Government in resistance counsel as well as in supplying their commander with proper means—they are due, above all, to the skill of that commander, and to the bravery of the Ottoman troops. These it is which enable us now to vote supplies with much more cheering hopes than we could have entertained a few months ago. And yet not one word has been said by the Government upon the progress or condition of the war—a subject not unworthy of the notice of the Government of a country in addressing Parliament for supplies. My Lords, as a humble individual, I think it right to call attention to these circumstances, and to the cheering prospects now before us. It would only have been fair to our commanders in the Black Sea and in the Baltic to call attention to what has been done. In the Baltic it appears to me that those slight operations which have taken place have undoubtedly had the effect of showing the bravery, skill, and intrepidity of our sailors and commanders so far as they have had an opportunity afforded them of exhibiting it. In the Black Sea, though but little may have been done which can have any serious effect upon the war, certain operations have undoubtedly been performed, and certain successes have been obtained, which, I trust, will have a tendency towards effecting a lasting and beneficial peace. I refer to the destruction of the forts upon the coast of Circassia, and the clearing away of the Russians from that quarter. The noble Earl (the Earl of Aberdeen) has said that, so far as the restoration of peace is concerned, the terms upon which peace would be concluded would depend very much upon whether the allies found themselves at St. Petersburg or the Russians at Constantinople, when we came to treat upon the question; but there are hypotheses intermediate to these, and if we have driven the Russians out of Circassia, that is a fact which must not be overlooked when we come to negotiate for peace. I should like to have heard something from Her Majesty's Ministers upon this point, and I think that the manner in which it has been entirely passed over by the noble Earl is a little ominous. My noble Friend who has just sat down alluded, as well he might, to the confederacies and alliances into which this country has entered. I think that Parliament ought to have very distinct information upon this subject; and if no other noble Lord shall bring the matter forward, I will myself take an early opportunity of fixing a day to move for the production of the recent convention entered into between Turkey and Austria, as well as for other documents which may throw a light upon the position in which we now stand. It is only proper that we should be placed in possession of this information, because, according to the treaty which has been laid before us, Turkey has entered into certain stipulations which prevented her from contracting any treaty, secret or open, with any other Power without our knowledge, and we know that the treaty which has been entered into is not a secret treaty. The convention is a most important one, and a question we must look to in voting further supplies is the state of things in reference to that convention, and the conduct of the Powers to whom we are not allied, as well as of those with whom we are allied. I am willing to put the best construction upon the conduct of Austria; I am willing to admit what has been said in this House, that Austria is an independent Power, having her own interests to look to, and that we have no particular right to control her actions. But, admitting all this, assuredly we have a right to know what our own obligations are, and what are the obligations of our confederates, that we may really know how we stand, and what to expect. From general rumour—for Parliament has as yet received no information upon the subject—it appears that, through the pressure and persuasion of the British Government, the Divan and the Turkish Ministers, who were much averse to it, have recently concluded a convention with Austria, by which the Austrian troops were to enter the Danubian provinces and occupy a portion of the Turkish empire. These are facts which ought to have been mentioned to Parliament, and the treaty ought certainly to have been produced. According to the accounts in the papers, the treaty was concluded on the 14th of June, at the time when the siege of Silistria was being raised, when the Russians were in hot retreat, and when it was generally supposed that they were not only in retreat from Silistria, but from the Principalities altogether. It does, then, appear to me most unaccountable, and a point upon which we ought to have some information, that, after the signing of the convention, the Russians being in retreat, and the Austrian army being upon the borders of the Turkish empire, instead of, as might have been supposed after the engagement entered into, marching and attacking the flank and rear of the Russian army, and endeavouring to cut it off, the Austrians should have kept in their place, and have refrained from moving into the Principalities. My Lords, what I want is, that Parliament should know the meaning of the convention between Austria and the Porte—that they should know whether it is a convention for driving the Russians from the Danubian provinces. If it is, how came it that at the hour of danger, and in the moment of the greatest need, Austria, instead of hurrying into the field, held back and commenced fresh negotiations? I believe, my Lords, that hitherto we have placed too much dependence upon other Powers, and too little reliance upon our own resources. Austria is an independent Power; she has a right to be neutral; she has a right to take part with Russia, or she may take part with Turkey; but this, at least, we ought to know—namely, where we are, with whom we are acting, and against whom we are opposed. My Lords, there are considerations which are delicate to touch upon, and which I know that men in office and responsible Ministers are not willing to touch upon, but they are considerations which do not escape a British public, and which cannot escape the Government, and the Austrian and other Governments ought to be made sensible of this. We must know how other Powers mean to deal with us, so that we may know how to deal with them. We have great resources, moral as well as material, if we choose to use them; and if, in this war, which my noble Friend at the head of the Foreign Office well described on a former occasion as a war of civilisation against the advance of barbarism; if the Governments of Austria and Prussia, if the rulers of Poland, choose to take part against civilisation in favour of barbarism, they must be made aware that there is an appeal to be made to the peoples themselves, to know if they are of the same mind as their rulers. I might carry this further, I might allude to other countries, and the news which has come this day from the south would afford me an opportunity for doing so; but even for an individual these are delicate topics to touch, and a man in office, speaking under the responsibilities of office, cannot be expected to approach them. It is right that Austria and that Prussia should know that if a doubtful, suspicious, or injurious course is adopted by them towards this country or towards France, we must put into use all the arms and all the powers we possess, and out of the conflict thus engendered, I do not think those Governments would come unscathed. I think, too, we ought to be informed if there are any conferences going on in which we have a part—because in the papers we see that an invitation has been held out to renew the conferences at Vienna. I think one of the greatest mistakes made last year, when we had a much longer recourse to negotiations than was advisable, and when for the sake of those negotiations we stopped our warlike preparations, and were consequently compelled to take the field, when war began, at a disadvantage, was, that we had negotiations going on in different parts at once. At that time there were negotiations going on at no less than five different Courts. If there is to be another Conference at Vienna, we have a right to know what it is that this Conference is to consult about. I hope, however, that nothing of the sort is to be entered into. I, for one, think that the time for that sort of thing is gone by. By these conferences and negotiations we have got into a war of which the objects are so ill defined and uncertain, that no one can point out its probable issue or termination. It is high time now that we should have straightforward allies or declared enemies for peace or war. We must not, by hoping and lingering for other Powers to join and assist us, let the precious and irrevocable moments for energetic action slip by, but must trust to our own right and our own arms; and if we do that, serious as I own the conflict to be in which we are engaged, I have not the least doubt that we must ultimately be successful.

THE EARL OF CLARENDON: As my noble Friend has given notice of his intention at some early day to call the attention of this House to the state both of the negotiations and of the military operations of the war—[The Marquess of CLANRICARDE: I said I would move for copies of the treaty.] Well, as my noble Friend is to move for the treaty entered into between Austria and the Porte, I would not have intruded upon your Lordships' notice if it were not to rectify some errors into which he has fallen, and more particularly with reference to the treaty to which he has alluded, and in which I think it is necessary he should be set right. My noble Friend said this treaty was concluded on the 14th of June, after the siege of Silistria had been raised, and the Russians were in full retreat. Now, the fact is, that the siege was never carried on with so much activity (so it was thought), or with such great hopes of success on the part of the Russians, as was the case at that time; and it was not till the 23rd of June that, owing to the valour of the Turks, to which my noble Friend paid nothing but a just tribute, the siege was raised, and the Russians were in full retreat. But, my Lords, at that time the treaty, I believe, had not been ratified, and it is only in consequence of our not having received a ratified copy of the treaty that it has not been laid upon your Lordships' table; because I admit that it is a treaty of great importance, and of great interest to this country, and one of which your Lordships and the public have a right to possess as early a knowledge as practicable. But your Lordships are aware that until we have received from the Governments between whom a treaty is made the ratification of such treaty, it is not usual to lay such a document before Parliament. My Lords, I repeat again what my noble Friend has to-night also truly said, that Austria is an independent Power, and mistress to pursue her own policy in the manner she thinks best; but Austria is also under solemn engagements to other countries—she has vital interests of her own to protect; and unless we can suppose that she would bring disgrace upon herself by being unfaithful to her engagements, or that she will be blind to her own most urgent and, I might say, vital interests, I think, my Lords, we are right in believing that Austria will act as we have every desire that she should do and every right to expect from her. My Lords, Austria has already declared the conduct adopted by England and France in summoning Russia to evacuate the Danubian Principalities, and their subsequent efforts to carry out that summons to its legitimate consequences, to be both just and reasonable. She has herself declared the evacuation of those Principalities, and the free navigation of the Danube, to be matters which not only affect the interests of Austria, but those also of the whole of Germany; and she has declared, with England and France, that it is necessary to devise the means for connecting Turkey with the general system and equilibrium of Europe—which means that Turkey is to be relased, not only from her onerous engagements with Russia, but from the wrongful interpretation of her treaties with that Power. She has herself summoned Russia to evacuate the Principalities; and last, though not least, at great expense—an expense which she is very ill able to bear—Austria has organised and equipped one of the largest and finest armies which I believe has been seen in Europe in modern times. Now, my Lords, as it is impossible to suppose that Russia will voluntarily comply with the demands which not England and France alone, but Austria also, have addressed to her, and as it must equally be supposed that Austria has made what she conceives to be just demands, and demands from which, if she were ignominiously to withdraw, she must sink in the scale of nations by acknowledging the superiority of Russia and submitting to her dictation, I think the time cannot be far distant when Austria will be found co-operating with us; and I believe that co-operation would have taken place long before now had it not been for the difficulties that beset Austria, which have, perhaps, not been understood or appreciated in this country. Your Lordships may remember that in the course of last autumn the Austrian army was reduced by 100,000 men; and anybody conversant with such a matter knows that such a measure, and the raising of the army again to 300,000, must necessarily be a work of time. Your Lordships may be also aware that, in the month of March, Austria was ready to complete a quadruple treaty with the other Powers; and that the protocol of the 9th of April was but a compromise to which she was compelled to submit. Your Lordships will also be acquainted, from the recent information brought before you, and mentioned by my noble Friend on the cross-bench (Earl Fitzwilliam), with respect to the late combination against Austria and in the interest of Russia, which is called by the name of the Bamberg Conference, and which up to this day has prevented the Austrian and Prussian treaty from being submitted to the Diet. With these difficulties, and others to which I do not think it right to allude—and that for the very reason stated by my noble Friend (the Marquess of Clanricarde), namely, that here, and particularly under present circumstances, Her Majesty's Ministers must speak under a sense of their responsibility —I say that these considerations and these difficulties must be taken into account when we ask what has hitherto been, and what will hereafter be, the policy adopted by Austria? My Lords, I will answer for nothing; I merely state what has occurred in the past, and my grounds for believing that we may count upon the co-operation of Austria. Now, let me tell my noble Friend that he is mistaken in thinking that on the 3rd of July any fresh negotiations were entered into by this country with Austria or with Russia. Your Lordships know that Austria has addressed a demand, and sent a summons to Russia, for the evacuation, in a short time, of the Principalities. Early in the present month the answer of Russia reached Vienna; but, my Lords, we were no parties to the communication made by Austria to Russia, and we shall be no parties to the answer which has been received. Her Majesty's Government will at all times be ready to enter into negotiations for attaining the object of the war, which is a just and an honourable peace; but until such terms are set before us, and until we have some reason to believe that they are of a *bonâ fide* character, no negotiations will be entered into by this country. My Lords, I have on former occasions adverted to the almost impossibility of stating, at the commencement of a war, what would be the terms of peace. I have no wish now to detain your Lordships by going over the same ground again; but I do hope that, during the time that it has been my duty to administer the affairs of the Foreign Office, I have not given your Lordships any reason to doubt that I am insensible to the honour or dignity of the country. I ask your Lordships to believe me when I say, not only in my own name, but in that of my Colleagues, that there is no intention of returning to the *status quo ante*—that there is no intention of listening to a patched-up peace, which can only be a hollow truce, and render a return to war inevitable, and that, perhaps, under adverse circumstances. But if we continue, my Lords, to enjoy the support of Parliament and of the people of England, I can assure your Lordships that we shall not enter into any negotiations which have not for their object a just, durable, and honourable peace—worthy of the righteous cause in which we are engaged, worthy of the allies with whom we have undertaken this cause—and, I hope, not unworthy of the great and disinterested sacrifices which the people of this country have so cheerfully made.

On Question, *agreed to, Nemine Dissentiente;* and the said Address to be presented to Her Majesty by the Lords with White Staves.

NATIONAL EDUCATION.

LORD BROUGHAM rose, pursuant to notice, to move certain Resolutions on the subject of National Education. The noble and learned Lord said: * I much fear, my Lords, that I shall have but a moderate share of your indulgence, if after the more interesting, at least the more immediately attractive subject which has just occupied you, I proceed to broach the question of National Education, in pursuance of the notice which I lately gave. The vast and permanent interest, however, of that question no one can doubt; and I think I shall be forgiven even by my noble Friend near me (the Earl of Ellenborough), with whom I on a recent occasion had some little difference, not so much respecting the influence of knowledge upon the character and the peace of the community, as touching the celerity with which that influence is made perceptible, if I preface the statement I am about to make with the mention of a fact in no little degree remarkable, as illustrating the humanising effects of instruction; and he, as well as your Lordships, will, perhaps, pardon me the rather because it bears a reference to the quarter of the world which at present so much engrosses his attention and yours. I find that, taking the two countries which stand at the opposite ends of the scale, the United States and Russia, the one the best, the other the worst educated of civilised nations (if, indeed, they both come under that description)—of the crimes committed in a given period, those accompanied with violence are little more than one-twelfth of the whole number in America, while in Russia they are much more than a half, namely, about three-fifths: 640 in 7,400 among the educated and civilised, 3,500 in 5,800 among the ignorant and barbarous people. And now I fear that I have exhausted the only topic likely to attract the notice either of my noble Friend or your Lordships, and I must now proceed to statistics of a more uninviting description. Into this inquiry, however, dry as it is, we must enter, if we would ascertain how far the exertions of the State and of individuals have been successful in providing the means of education. That much has been done is certain; but I fear we shall find, upon a careful examination, that much yet remains to do; and that the help of the Legislature is required, not to supplant by public interference the efforts of individuals, but to stimulate and to assist them by judicious measures, and to supply what they have been unable to accomplish.

I shall begin by marking the periods to which our detailed information applies, and the grounds upon which we are enabled to rely upon that information. Great objections have, at different times, been made to its accuracy, and we must, therefore, stop a moment to consider how far these are well founded. The earliest returns are those obtained by the Education Committee of the Commons, in 1818; the next are those of 1833, obtained on the Motion of a noble Friend, whose early loss to the country is so deeply to be lamented, Lord Kerry; the last are those of 1851, under the Census Act. The returns of 1818 were made by the parochial clergy, and as having presided over that inquiry, I well know the zeal with which they performed the office cast upon them. Such was their alacrity, that within a week after our circular was issued, all those sent their answers who were within a moderate distance, and very soon after I had received the whole, with the exception of about 600, which, in a number of nearly 12,000, might be expected from different accidents. A second circular reduced this number to about 200 defaulters. But a circumstance occurred which placed the conduct of those reverend persons in a most honourable light. By some oversight of the clerks in the Committee, there were 360 returns mislaid; and as it was believed they had not been sent, a circular was dispatched, chiding the supposed defaulters. It so happened that those returns had been culled out from the mass, as being more elaborate and voluminous than the rest, and the Committee, in a somewhat peremptory manner, called for the returns to the original requisition. It might well be expected that those reverend persons should feel hurt, both at the groundless rebuke and at the labour needlessly exacted. But of the whole 360 only two made the least complaint, and even they sent the second returns demanded. Some had kept copies of their former answers, but a great number had not; and their returns extended, in many instances, to ten pages and upwards. I may further state, that when, after the dissolution of Parliament, I took the liberty to send another circular for further information, although aware that this was only in my private capacity, and not as Chairman of the Committee, the clergy returned answers, giving the details solicited, rather than required. After the lapse of fifteen years, the returns of 1833 were made, but by the churchwardens; and I have no hesitation in stating, that they are very inferior in point of fulness and accuracy, as might be expected from the temporary nature of the office held by those who made them. They have proved, on examination, to be particularly defective in some of the larger towns. In 1851, we have the latest returns, and as these were made under the superintendence of the Home Department, they are more to be relied on for fulness as well as accuracy, than those of 1833. I must, however, mention a circumstance which shows that no little confidence is due to the latter. When the repeal of the Test and Corporation Acts, in 1828, seemed to remove the chief obstruction in the way of a general school system, I was anxious to ascertain what progress had been made during the ten preceding years; and addressed a letter to 700 or 800 parochial ministers, to ask for a continuation of their former returns. Those parishes were taken indifferently, some large, some small, some middle-sized; I received 487 answers, and these, compared with the statements of 1818, indicated an increase in the number of day scholars at unendowed schools, in the proportion of 21 to 10. Now, the returns of 1833 give that increase as between 23 and 24 to 10, which, allowing for the increase between 1828 and 1833, tallies very nearly with the other proportion. I therefore conclude that we may place reliance upon the accounts generally, not only in considering the rate at which education has advanced, but in estimating the deficiency at any given period, provided we keep in view the consideration that the numbers given in these accounts are, from the nature of the case, more or less below the real amount; those of 1851 being nearest the truth, those of 1833 probably most defective.

It appears that, in 1818, the day schools of all kinds were attended by 674,000 scholars (I take round numbers, as the Resolutions I am about to move give the particulars)—the Sunday schools had 425,000. In 1833, the former had increased to 1,276,000; the latter to no less than 1,548,000, or nearer fourfold than trebled. In 1851, the day scholars had increased to 2,144,000, the Sunday to 2,407,000. So that in thirty-three years day scholars had increased more than threefold; Sunday scholars nearly sixfold. Now the population had, no doubt, increased from above eleven millions and a half to fourteen millions and one-third in the first period, and to nearly eighteen millions in the second; but still the increase of education was much more rapid, there being, in 1818, of day scholars one-seventeenth, of Sunday one twenty-fourth, of the population; in 1833, these numbers had become one-eleventh, and one-ninth respectively; and in 1851, one-eighth and one-seventh. It is also manifest that the rate of increase had been considerably greater in the fifteen years between 1818 and 1833, than in the eighteen years between 1833 and 1851, although the population increased more rapidly during the second period than during the first. As the omissions in the returns of 1833 were greater than in those of either 1818 or 1851, it may be taken as certain that the actual rate of increase was less than the apparent, or, in other words, that there was a greater retardation than the returns show. Nor can we doubt that this retardation has been owing not altogether to the unavoidable relaxation of the voluntary exertions made to promote education—exertions which must needs be lessened unless the resources of individuals are enlarged—but also in a considerable degree to the wants having been partly supplied which had called them forth. It is certain, that previous to 1818, there had for some years been a great step made by the establishment of schools on the new or monitorial plan, that of Bell and Lancaster, insomuch that above 1,500 of these had been planted, educating 200,000 children. But the discussions which arose out of the Education Committee in the other House, in 1816, 1817, and 1818, had occasioned new efforts all over the country to establish schools of a more useful class, because having a larger proportion of teachers, and dispensing, in a great measure, with the monitorial system. The Bill which I brought forward in 1820 as the Chairman of that Committee, and which reached almost its last stage in the Commons, was, unfortunately, opposed by the Dissenters, and, being only feebly supported by the Church party, we were deprived of a great, and, in my belief, a most unexceptionably framed system of parochial education; nor was there ever the least encouragement given to renew the attempt. Nevertheless, out of evil came good, by the blessing of Providence; and even the animosity, or let us only say the rivalry, of conflicting sects gave rise to new exertions for the furtherance of popular instruction. Such exertions could not be expected to continue, and accordingly a great deficiency still exists in the means of education.

Before 1833 there had been no interference at all of the State; everything had been done by individuals. But in that year the Government to which I had the honour of belonging, felt it incumbent on them to act upon the Report of the Education Committee of 1818. To the recommendations in that Report I called the attention of my Colleagues, laying it before Lord Grey and Lord Althorp, and a grant was obtained from Parliament of a sum to be applied in the encouragement of schools. This grant was repeated yearly, and from the moderate sum of 20,000*l.*, it has happily of late been increased to, I think, upwards of 300,000*l.* The application of it was for some years intrusted to the Treasury, and they had acted chiefly upon the principles laid down in the Report of 1818, avoiding whatever might tend to discourage voluntary exertions, and giving the sums allotted for outfit or original cost to parties who were ready to provide for the yearly expenses. The Committee had suggested two modes of distribution, either through Commissioners, or through the two great school societies, the National and British and Foreign. The latter was the course adopted; but I may more correctly say that both courses were taken ultimately; for in the year 1839 a Committee of the Privy Council was formed to superintend the distribution, and that Committee generally gave the sums through the two societies. The transfer to the Privy Council was at one time the subject of regret, because the Treasury had conducted the business in a quiet and unobtrusive manner, and the creation of a department gave rise to some jealousy and even alarm; so that your Lordships may recollect a long and warm debate on Resolutions moved by the Archbishop of Canterbury, in which the House by a very large majority concurred, expressing an opinion unfavourable to the appointment of the Privy Council Committee as made without the sanction of Parliament. But great advantage has ultimately resulted from the creation of this department; and certainly, whatever may have been the inconvenience originally experienced, I am bound to defend the proceeding still more strenuously than I did in that debate, because I afterwards found that the Committee adopted the very measures which I had described in the Resolutions moved in May, 1835, for not merely encouraging the formation of new schools, as the Report of 1818 had recommended—for not only increasing the amount of the education afforded, but improving its quality by the employment of inspectors and the establishment of training seminaries. The Committee has been most ably and actively seconded by its assistants, especially Messrs. Kaye Shuttleworth and Lingen.

In the same year that this important Committee was appointed, I had for the third time brought in a Bill to establish such a department, and to invest it with powers of distributing the yearly grants, and of authorising local rates, so as to encourage by both these funds the planting of schools, to support those requiring assistance, to establish training schools, and to superintend the conduct of all either founded or aided by the public. The difficulty as to the religious question had seemed to be surmounted; and I was authorised to state on behalf of a very numerous meeting of delegates from most parts of the country, who had held a conference on the details of the plan, that it had, after undergoing various alterations, received their general concurrence; the Dissenters joining with the Churchmen in holding its provisions to be unobjectionable. The Government of the day, Lord Melbourne's, was entirely favourable to the measure; but, unfortunately, they had been defeated the week before I moved the second reading; and when a right rev. Prelate, recently raised to the Episcopal Bench by that Government, and who had voted with us against his Metropolitan upon the recent occasion, now put himself in the front of the opposition to the Bill, we had no hopes of success, and were obliged to withdraw it until a more auspicious time should come. I found, however, that one great object of the Bill would be secured, the creation of an Education Department, if the Privy Council Committee not only persevered in its administration of the annual grant, but applied it to the establishment of training schools, and the employment of inspectors; all which they could do without any Parliamentary authority. The more effectual power of local rating would alone be still wanted; but the increase of the annual grant might to a considerable extent supply this defect; and I was willing to expect everything from the entire agreement of my noble Friends in the great principles of the Bill. Their proceedings in Parliament and in the Privy Council during the next year or two, confirmed these expectations, and I certainly should have been without excuse had I interrupted them by again pressing the Bill. It was only consistent with the most ordinary discretion, and the scantiest stock of patience, to await for awhile the results of what had been already done. The ground had been prepared in 1818; the seed sown in 1833; due care was now cheerfully bestowed upon its protection; and with a fair prospect of success crowning the labours of the new department created in 1839, it would have been most unwise, indeed irrational, impatience to interfere with the natural growth of the plant, as some projecting lawgivers of exalted rank, the Emperor Joseph among them, have occasionally been seen to do, and been in consequence compared to the child that having put a bean in the ground, must needs pluck it up to see if it has begun to sprout, instead of waiting till the stem and the leaf appear, fostered by the breeze, strengthened by the sun, expanded by the shower. That childish, preposterous impatience I felt not, how great and how constant soever my anxiety for the progress of the system, because I was well assured of its safety in the hands of my noble Friends of the Privy Council Committee. But I think we may admit that the time is now come for examining the progress which has been made, and for asking ourselves whether anything and what remains to be done.

I take it to be clear beyond all question that the means of education are still insufficient; and I now beg the attention of your Lordships while I demonstrate this proposition. I lay aside the great numbers taught at Sunday schools, because valuable as is the instruction there given, and beyond all praise the conduct of the pious and truly charitable persons (290,000, I glory in being able to say it,) who devote themselves to this really good work, in the spirit of genuine, because wise, benevolence —that which alone deserves the name, when the act is in harmony with the will, and good is not only intended, but done: the instruction received is extremely limited, and two or three hours in a week give but inconsiderable moral discipline, which is the most important part of tuition; not to mention that no small proportion of the Sunday scholars are returned also under the head of day scholars. It is to the day scholars, therefore, that we must look, and these appear to be in round numbers 2,144,000, at 46,000 schools. But these include private as well as public schools, and 500,000 children of the upper and middle classes are taught there, and about 50,000 at the endowed schools, which are also included. These deductions I make after a full communication with Mr. Horace Mann, whose intimate acquaintance with the whole statistics of education is well known to such of your Lordships as have had the advantage of perusing his elaborate and judicious Report to the Registrar General, a document of the highest merit both for its arithmetical details and for the enlightened views which it gives of the whole subject. It would, indeed, be difficult too highly to praise this most able and useful officer. [Earl GRANVILLE, Lord MONTEAGLE, and others strongly expressed their concurrence.] We may conclude, therefore, that for the children of the working classes, and of the poor, there are only public day schools attended by little more than 1,500,000.

Let us now consider how far this supply of education is adequate to the wants of the people. And here I must begin by observing, that nothing can be more wild than the notions of those who reckon upon all the children between three and fifteen, or 4,900,000, as the number for whom schools should be provided, conceiving most erroneously that the working classes, as well as those in easy circumstances, can keep their children long enough at school to require anything like this accommodation. Unhappily there comes in competition with the schoolmaster, great as his merits and his claims may be, the employer; and from the time that a child can earn somewhat towards his support, his attendance at even the school which costs nothing, must be first interrupted, and then altogether cease, even assuming the parent to be duly impressed with the advantages of education. Instead, therefore, of more than a fourth of the population, we should not reckon more than one-eighth, or the children between four and twelve, which would give the number for all classes at 2,222,000. But we are to consider only the proportion of these belonging to the working classes and the poor. What is that proportion? I made inquiry of my honourable friend the Registrar General, and he gave me four-fifths as his estimate of the proportion which the working classes bear to the whole population, or about 3,625,000 males of twenty and upwards, but not reckoning farmers' sons and commercial clerks. I will take the calculation, then, as four-fifths, or 14,340,000, and one-eighth as the children, or 1,792,000. But I was desirous of checking this calculation by having recourse to another test; and I found in the evidence before Mr. Hume's Income Tax Committee last Session, the number of persons having incomes of 75*l.* and upwards is counted at 829,117 by Mr. W. Farr, the able and intelligent head of the Statistical Department in the Registrar General's office; and, deducting a sixth for Scotland, we then have 712,000 for England and Wales, which, reckoning five to a family, would leave for the other classes, the working and the poor, 14,440,000, and the children, 1,805,000, being very nearly the number obtained from the calculation founded on Mr. Graham's estimate of four-fifths. It is, indeed, very possible that in making this estimate he had taken into his account Mr. Farr's statements respecting the income tax. However, I think we may, on the whole, rest satisfied with the inference that as, instead of 1,800,000, there are attending public day schools little more than 1,500,000, the deficiency in these schools for the working classes is not much less than 300,000, or upwards of 3,000 schools, even allowing the average of 94 scholars to a school, which is unfortunately the number in the public day schools, and is very considerably more than in every view is desirable. I have made no deduction for dame-schools; had I done so, the deficiency would have been greater by above 130,000.

But I must proceed to state that this great evil is unfortunately not equally diffused, as it were, over the country; the deficiency is much greater in some places than in others, and it is greater exactly where it is most to be lamented, in the larger towns. I take 44 of those, the population of which amounts to 3,206,000, London not included, and I find that the scholars at public day schools amount to 226,000, to which we must add a portion of those at private schools, say 24,000, and we have the whole therefore 247,000, or one in thirteen of the population. But if we take the rest of the country, exclusive of the 44 towns and of London, we have day scholars at public schools, 1,029,000, and adding 84,000 for the private, the total is 1,113,000, or one in eleven of the population; and a like difference is found as to Sunday scholars. But we may institute the comparison as to all towns of above 50,000, our former case being those of the largest towns. We then shall find that in a town population of 4,880,000, the day scholars are 521,000, or 1-9·4th; and in all the rest of the country the scholars are 1,621,000, or one-eighth. This comparison includes London, which is more deficient than any other place, town or country; the proportion of day scholars being only one-thirteenth, and of Sunday scholars one-seventeenth, that of of the great towns being 1-7·3rd, and of the rest of the country 1-6·7th. If, therefore, those towns had the same means of education with the other districts, there would be day schools for 89,000 scholars, and Sunday schools for 86,000 more than they now have. How many years will be required to supply this great deficit? We must always bear in mind that the population is increasing at the rate of nearly 200,000 a year. So that in those towns it is increasing above 30,000 annually, so that to maintain even the present inadequate supply of schools in its proportion to the number of the people, there must yearly be provided an addition equal to about 3,000 scholars, without the least impression being made upon the deficit; and to supply this would require an increase every year, for five years, of day schools sufficient to teach 21,000—which is nearly twice as rapid an increase as has been made during the eighteen years between 1833 and 1851. Having mentioned the diminution in the rate of increase of late years, I must add that this can in no way be ascribed to the aid given by the State, as was apprehended by some warm friends of education; for the diminution has been greatest in Sunday schools, which receive no part of the annual grants. My able and excellent friend, Mr. Baines, of Leeds, though decidedly averse to all interference, never fell into this error. He must have been sensible that the diminution was owing to the extraordinary efforts which had before been made, and chiefly in respect of Sunday schools. He was also perfectly sound in his view of the minimum numbers for whom schools should be provided. Indeed, I always differ with hesitation from one who has done so much and who knows so much upon the whole subject of popular education. The Bill, however, which I now present is grounded partly on the difference that exists between us respecting the facts, and partly on our arriving at different conclusions from such as are undisputed.

I have thought it right to enter into these details that your Lordships might be aware how little it is upon mere vague surmise that those rely who hold the existing means of education insufficient, and the inadequate rate at which these are augmented by the present arrangements. But I am, at the same time, aware that it requires no mere consideration of statistical statements, no aid of calculations to prove both the one of these positions and the other; both the existence of the deficiency and the inadequacy of our present machinery to supply it. For proof of the lamentable fact that the means of popular instruction are deficient in the great towns, and most in the greatest of all, that in which we now are, we may safely appeal to the result of all men's observation; and no one who has read the touching descriptions, given by zealous and well-informed men of the hard task, and too often the fruitless task, which a sense of duty imposes upon benevolent individuals —no one, for example, who has read the Vicar of Leeds' admirable letter to my right rev. Friend (the Bishop of St. David's)—can hesitate to adopt the conclusion that we must provide some help to charity and public spirit, certainly taking the utmost care that it shall not be a substitute for the exertions to which these eminent virtues lead. I have, therefore, resolved again to present, not indeed the Bill of 1837 and 1839, but one framed upon the same principles and confined to the incorporated towns, because it is in large towns that the want is chiefly felt, as I have shown, and because these have the advantage of municipal bodies, which will render it easy to work the plan. The provisions of the former Bill respecting country districts are, therefore, now omitted. But I have made another omission; the establishment of a Board appears no longer so necessary, because upon the whole I am satisfied with the department established in the Privy Council. The Board provided by the former Bill certainly had its advantages, because there was a combination of responsible members of the Government with members irremovable, and who, being professional men, would have performed satisfactorily the duties of the Charity Trustees' Board as far as endowments are concerned which relate to education—a revenue, I believe, of half a million, if all abuses were corrected. Nevertheless, when that Board, established since the Bill of 1839, shall have proceeded in its inquiries and in the performance of its other duties, I can have no doubt that an extension of its powers as well as an increase of its staff will be given, for the absolute necessity of which I can vouch from my own knowledge—[Earl GRANVILLE and other Peers agreed in this statement]—and therefore I indulge the hope that a substitute having been provided in all material respects for the Board proposed in 1839, it will not, for the present at least, be necessary to retain this part of the Bill. That of Lord John Russell, lately introduced, differed in some particulars from the Bill of 1839, and I had some doubt whether I should not adopt one of his additions, the provision respecting local committees of education in the town councils. But, after full consideration, I am clear that it is better to leave this as well as other details to the local bodies. The Municipal Corporation Act of 1835 gives the power by its 70th section of appointing committees from time to time, and the only addition which I shall make to this is, a merely enabling provision that there may be named as members persons not belonging to the councils. The whole of the restrictions upon these bodies in Lord John Russell's Bill I entirely disapprove. It will be found that nothing can be more judicious, more useful for the working of the measure, as well as more safe for securing its favourable reception by these bodies, than to leave the uncontrolled management of the schools under the care of the corporations themselves; and therefore the only restraint that this Bill lays them under is the necessity of abiding by the rules, including the power of inspection, upon the statement of which the power to levy the school rate shall have been granted by the Education Committee of the Privy Council. If those rules are altered without leave of that Committee, then the power to levy the rate may be withdrawn, with the reasons assigned, but the corporation may appeal to the Judicial Committee against the order of recall. I have lastly introduced the same provision as to religious instruction which was in the former Bill. No school can receive the benefit of the rate which is not open to all classes and all religious denominations; nor shall any Catechism be taught, nor attendance on divine service be exacted, without the consent of the parents or guardians of the pupils. Having mentioned my noble Friend's Bill, I must add that his being now both at the head of the Education Committee, and of the Charity Trusts' Commission, will greatly help the work in hand; and this union of functions, which, though now accidental, may always be continued as the regular official arrangement, forms an additional reason for my leaving out of the present Bill all that relates to the Board.

I have sanguine hopes that, applying, as this measure does, to between a third and a fourth part of the country, and to the whole of that portion where the want is most felt, it may produce the salutary effect of greatly lessening, if not wholly removing, the evil now so justly complained of. But I should ill discharge my duty upon the present occasion if I passed over another cause of popular ignorance, beside the want of schools accessible to the working classes—I mean the want of a due estimate among those classes of the value of knowledge, the importance of education. This it is that too often prevents them from sending their children to schools where they can be received without cost, and from keeping them there beyond a very short time, even when their labour can be of little or no profit to themselves. Therefore it is that the importance is incalculable of improving the minds of the parents themselves by the promotion of adult education. It is most satisfactory to know that considerable progress in this has been made of late years. Many establishments have been founded for the improvement of the working classes, under the name sometimes of mechanics' institutes, sometimes of apprentice libraries, sometimes of reading-rooms. Upwards of 1,000 of these are to be found in different parts of the country, chiefly, no doubt, in the considerable towns; and they number above 100,000 members. But, useful as is the tendency of these institutions, and great as the benefits they actually confer by the instruction given at some, the reading and instructive conversation promoted at all, it is unfortunately found that a very small proportion only belong to them of the classes for the benefit of which they were originally designed. Were I to allow a tenth of their members to be of the working classes, I believe I should be above the mark. There are, independent of such institutes, adult schools, to the number of above 1,500, where evening instruction is given to persons almost all in the humbler ranks; and of these it is satisfactory to know that near 40,000 have the sense and the virtue thus to pass their evenings after the day's work is done. But the institutions founded for the working classes, in some few cases even begun by themselves, for lectures and for reading, are almost all in the hands of the upper and middle ranks. When Dr. Birkbeck made the great step, in 1825, of forming such establishments in England, of which he had experience in Scotland, having himself, a quarter of a century before, given the first lectures to working men in the Anderson College of Glasgow, the difficulty was felt by that learned and excellent person and his fellow-labourers, of keeping up the attendance of the artisans themselves. So early as the first year of the parent institution in London, I had become so much aware of this, that in an "Address to the working classes and their employers," I endeavoured to grapple with what we felt as our great difficulty, and suggested the expediency of placing a large proportion of the men themselves upon the different committees of management. Yet all our efforts were vain. I recollect some ten years afterwards attending the meeting of an institute in Lancashire, one of the most flourishing offsets from the parent stock; and finding in the spacious apartments, with fine library and choice apparatus, no want indeed of company, but all of the upper and middle classes, with hardly a sprinkling of artisans, and perhaps of these few not one who earned less wages than a couple of pounds a week—a most valuable class in all respects, and nothing can be more important than their studying to improve themselves in science; but our anxiety was that those beneath them, the bulk of the working classes, should also make some progress in the acquisition of knowledge; and most of the institutes, I am sorry to say, have very few of the one class, and none of the other.

But it is most satisfactory to find that at length a remedy has been applied in the North to cure this great defect; and I am further gratified to perceive that it is exactly by carrying still more completely into effect the strong recommendation which we took the liberty of pressing upon all founders of such institutes in 1825, namely by leaving the whole management in the hands of working men. I had advised three-fourths; but at that time this had been tried and found insufficient in Cumberland and Westmoreland; and of late the step has been taken by some respected friends of mine at Carlisle, and with perfect success, of making the whole directors working men. At Carlisle this experiment has been tried for the last three years and has fully succeeded. There had been for some time a mechanics' institute which flourished, having upwards of six hundred members with a library and lectures; but the error was committed of placing its management in the hands of only those who paid the highest subscription, eight shillings a year, and consequently there is not such a proportion as might be wished of the working classes. But there are a number of other institutions on a smaller scale, confined to having libraries and news rooms, and these are all under the management of the men, the rule being that they only who live by weekly wages shall be on the committee. Of these one having 210 members has a library of 920 volumes, 60 of which circulate weekly; another of 200 members, a library of 700 volumes, circulating 250 weekly; a third of 100 members and having 156 volumes—all of these independent of newspapers and other periodical publications. Nothing can be more satisfactory than the accounts which I have from Dr. Elliot, who had a great share in the establishment of this principle, and has watched carefully over its success. The men show no jealously whatever of those who from time to time tender them advice; and they receive whatever aid is offered gratefully, because it is accompanied by no interference with their concerns. I entirely agree with the Doctor that we must, for some time at least, not expect the common workmen to engage in study so much as in reading of a light and amusing nature; but with that no little solid instruction may be combined, as the labours of the Useful Knowledge Society showed. It is no less pleasing to find, from the respectable testimony of Mr. Mounsey and others, that the scenes for which Carlisle formerly was somewhat distinguished, both in the haunts of election agents and in the operations of the streets, have been of late unknown. This, at least, is quite certain, that of the hundreds who belong to these libraries and reading-rooms none have even been suspected of joining in any corrupt proceedings, though from accidental circumstances a more than ordinarily long canvass preceded the last general election. The Carlisle plan as to the constitution of the reading societies has been adopted by my worthy neighbours at Penrith. The working men's reading-room well deserves its name; for there are 360 of that class who belong to it; and though there are several of a higher rank who subscribe their penny a week and avail themselves of the well-supplied library of 800 volumes, the whole government is in the hands of men at weekly wages. My learned friend, Dr. Nicholson, after stating that this is "the cardinal point of their success," that "the reading-room is almost full from eight to ten in the evening," and that "several hundreds of volumes are in constant circulation;" adds, that "the love of reading has been diffused to a very appreciable extent;" and also that "the workmen display as much aptitude for administering the affairs of the institution as any class of persons could do." I may add that Dr. Nicholson is well acquainted with the working classes of different countries, and particularly that he has passed considerable time in Germany.

I trust your Lordships will bear with me for entering into these details, in consideration of the very great importance of the subject. The question I am now dealing with is, how we shall best promote the education of the parents whose ignorance makes them undervalue knowledge, and abates their desire of educating their children. To stimulate, therefore, the working classes themselves, and give them a taste for reading, is the sure way of making education universal. The facts which I have been relating prove incontestably that those classes can be induced to profit by the instruction obtained from lectures and from books, if the simple expedient is resorted to of leaving the management of their literary and scientific concerns in their own hands. What I have recounted as the experience of the northern counties may tend to spread the system, and the principles are of universal application. It should be borne in mind, however, that one help to the working classes in their course of self-education must needs come from those in a different sphere. The providing works of instruction is a duty incumbent upon us — works easily purchased and easily understood. Such was the object of the Society established, near thirty years ago, for the Diffusion of Useful Knowledge. The accident of having originated it and presided over it must not prevent me from doing justice to the labours of my colleagues—to name but a few of them, unhappily now no more—Lord Althorp, Dr. Birkbeck, Mr. Ricardo, Mr. Mill, Mr. Bethune, who, with a body of forty or fifty other learned and hard-working men, including some of the first names in science and letters of the present age, prepared and circulated, at a price incredibly low, a mass of many hundred treatises upon every branch of knowledge, both speculative and practical. It must, however, be added, that we found something of the same difficulty to which I have adverted when speaking of mechanics' institutes. Many, at least of the works on subjects of science, did not reach the working classes, though of inestimable use in the instruction of those somewhat above them. I speak not of the historical and biographical works, and the practical treatises on the arts, but of the scientific works, though even these were sometimes found to be in demand among classes wholly occupied in daily labour—for example, I well remember our being astonished to find that for some of our treatises upon the higher branches of the mathematics, there was a demand among a set of artisans assembled for their mutual instruction in the eastern parts of the City. But this was the exception; generally, no doubt, the Society's scientific works did not reach that portion of the people. That we had no reason to complain of our success is nevertheless certain. Both at home and abroad we made knowledge accessible and diffused. Our works were translated and circulated in most parts of Europe, not only in remote corners of France, where I have found them in the cabarets of an obscure frontier town, but in the south of Europe, even in Portugal and Spain, and in the East as far as Hindostan; and at home, without at once reaching the working classes, they yet exceedingly helped the education of those above them, and thus prepared the spread of instruction to even the lower parts of the social fabric—it being the invariable rule that knowledge descends, and that to impregnate the basement, you must saturate the layers above. I would fain hope that the labours of the body of which I speak, both by what itself effected and by the exertions of those whom its example encouraged, among others certainly the Society connected with the Established Church, have produced a permanent increase of the stock of useful works, as it has unquestionably lowered the price of them all.

Let me, however, before I close my statement, advert to the greatest of the obstacles which the Society had to encounter—I mean the taxes upon knowledge, both in the duty on paper and the stamp duty. The *Cyclopædia*, with a sale of 40,000, must have been stopped but for a measure which somewhat lowered that excise. Our publications, however, still suffered greatly by what was left. But the newspaper stamp was of far more fatal influence. It could not reach the *Penny Magazine*, at least we were fortunate enough never to be considered as newsvendors, though I have felt no little alarm at some recent decisions of a fiscal description, lest the long arm of the Treasury should reach our publication, which at one time had a circulation of, I believe, 220,000, until the *Church Magazine* most usefully and ably divided the labour and the harvest with us. But we were wholly shut out from one field of exertion, and one which we, more than any other, were anxious to cultivate, because it was there our labours were most wanted—I refer to the country districts. The inhabitants of the towns are gregarious, and they have many helps to acquiring knowledge, as mechanics' institutes and reading-rooms, which the villager and the peasant, the farm servant, or even the bailiff, peradventure the farmer himself, does not possess. To circulate even our least abstruse and most inviting tracts among those classes we felt to be hopeless, if the tracts must go alone. But we knew that there was one method quite infallible of making them read by the country people, I mean accompanying them with intelligence of what was passing in the neighbourhood, matters relating to farming, to police, to sessions, and with more general intelligence, the Court, the Parliament, the Law—in short, wrap up treatises, or histories, or biographies, knowledge of permanent interest, in a newspaper of more ephemeral but more lively interest, and you would assuredly reach the farmer and his bailiff, even the farm-servant and the cottager. This we felt; but we were at once headed back by the stamp. The duty had been reduced to a penny, but that penny was as fatal as the groat had been. The reduction had saved a few pounds yearly to those who could well have spared them, and had increased the gains of the newspapers; but it had both deprived the poor man of his unstamped paper, and it left to our attempts at diffusing knowledge among the peasantry an obstacle altogether insurmountable. We had every estimate made, on all the inquiry we could institute, and but for the stamp our success was certain—for we had the very works prepared which the country people would have best liked, and most profited by; the hawker's profit we could bear, for the *Magazine* and the *Cyclopædia* sold for a penny, and yielded a large return to pay the authorship, and even a surplus for other works which we could only publish at a loss; but the penny stamp we could not meet, and our attempt was abandoned in despair. To that stamp the newspaper press easily submitted, as it did to the stringent regulations so very far more severe than the worst of the famous six Acts—regulations which put the existence of every newspaper at the mercy of any dishonest servant—but to this also they have cheerfully submitted ever since 1836, when an hon. Friend of mine, a worthy Baronet (Sir E. B. Lytton), obtained from my noble Friend on the cross-bench (Lord Monteagle) the repeal of three-fourths of the stamp duty—they submitted because they thus obtained protection for their valuable property—a protection which the Society was very far from grudging them. We had no desire to interfere with it—no wish to take off the remaining penny upon daily papers, or three times a week papers, but only on weekly papers, which cannot possibly pirate the intelligence so costly to the proprietors of the daily papers, and therefore so well entitled to protection. Had this burthen been removed from the weekly papers alone, we were secured of the channel by which our publications would reach the class of all others in the community that most required their help, and the most certain to take advantage of it.

I have thus, my Lords, taken upon me to detain you at far greater length than I could have wished, upon the subject of the Resolutions which I am now to propose. I cannot, however, prevail on myself to offer any excuse for this trespass upon your patience, well aware though I am how slender a chance there is of such subjects commanding at the present time any degree of attention. I might almost as well expect men to be moved by propositions to amend the law. These are subjects which sometimes are called vital, and of which it was once said, they had this distinguishing quality, that nobody cared at all about them. That the people have some interest in them can, however, not very well be denied—the question being, in the one case, how they shall be reclaimed from ignorance, in the other how the laws they live under shall be improved.

But having so long occupied you with my statements of the one of these great questions, I shall not further delay you by reading over the Resolutions embodying those statements. It will suffice if I lay them before you, and they are these—

"1. That the increase in the means of education for the people which had begun a few years before the year 1818, when the first returns were made, and had proceeded steadily till the year 1833, when the next returns were made, has been continued since, although less rapidly as regards the number of schools and teachers, but with considerable improvement both in the constitution of the additional seminaries, and in the quality of the instruction given.

"2. That the returns of 1818 give as the number of day schools of all kinds 19,230, attended by 674,883 scholars; of Sunday schools 5,463, and Sunday school scholars 425,533; the returns of 1833, 38,971 day schools and 1,276,947 scholars, and 16,828 Sunday schools and 1,548,890 scholars; the returns of 1851, 46,042 day schools and 2,144,378 scholars, 23,514 Sunday schools and 2,407,642 scholars.

"3. That the population having increased during these two periods from 11,642,683 to 14,386,415 and 17,927,609, the proportion of the day scholars to the population in 1818 was 1-17·25th; of Sunday scholars 1-24·40th; in 1833 of day scholars 1-11·27th; of Sunday scholars 1-9·28th; in 1851 of day scholars 1-8·36th; of Sunday scholars 1-7·45th; showing a more rapid increase, but more especially of Sunday scholars, in the first period than in the second, while the population has increased more rapidly during the second period, its increase being at the rate of 180,000 a year during the first period, and 197,000 a year during the second.

"4. That there is reason to believe that the returns of 1818 are less than the truth, that those of 1833 have considerably greater omissions, and that those of 1851 approach much nearer the truth; from whence it may reasonably be inferred that the increase during the first fifteen years was greater than the returns show, that the increase during the last eighteen years was less than the returns show, and that the increase proceeded during the last period at a rate more diminished than the returns show.

"5. That before the year 1833 the increase was owing to the active exertions and liberal contributions of the different classes of the community, especially of the upper and middle classes, whether of the Established Church or of the Dissenters, the clergy of both Church and sects bearing a large share in those pious and useful labours.

"6. That in 1833 the plan was adopted which had been recommended by the Education Committee of the House of Commons in 1818, of assisting by grants of money in the planting of schools, but so as to furnish only the supplies which were required in the first instance, and to distribute those sums through the two school societies, the National and the British and Foreign.

"7. That the grants of money have since been largely increased, and that in 1839 a Committee of the Privy Council being formed to superintend their distribution, for increasing the number of schools, it has further applied them, for the improvement of the instruction given, to the employment of inspectors and the training of teachers.

"8. That of the poorer and working classes, assumed to be four-fifths of the population, the number of children between the ages of three and fifteen are 3,600,000, and at the least require day schools for one-half, as the number which may be expected to attend school, regard being had to the employment of a certain proportion in such labour as children can undergo; and that consequently schools for one-eighth of the working classes of the poor are the least that can be considered as required for the education of those classes.

"9. That the means of education provided are still deficient; because, of the 2,144,378 day scholars now taught at the schools of all kinds, not more than about 1,550,000 are taught at public day schools, the remaining 500,000 being taught at private schools, and being, as well as about 50,000 of those taught at endowed public schools, children of persons in the upper and middling classes, so that little more than 1,500,000 of the day scholars are the children of the poor, or of persons in the working classes; and thus there are only schools for such children in the proportion of 1-9·6th of the numbers of the classes to which they belong instead of 1-8th, leaving a deficiency of 300,000, which must increase by 20,000 yearly, according to the annual increase of the population.

"10. That this deficiency is considerably greater in the large towns than in the other parts of the country, inasmuch as it amounts to 130,000 in the aggregate of the towns which have above 50,000 inhabitants, and is only 170,000 in the rest of the country; the schools in these great towns being only for 1-11·08th of the working classes, and in the rest of the country for 1-9·2nd of these classes, deducting 50,000 taught at endowed schools.

"11. That the deficiency in the number of the teachers is still greater than in the number of scholars, inasmuch as eight of the largest towns appear to have public day schools with 208 scholars on an average, the average of all England and Wales being ninety-four to a school, that there are assistant and pupil teachers in many of these schools, and paid masters in others, but that there is the greatest advantage in increasing the number of teachers, this being one of the chief benefits of Sunday schools, while the plan formerly adopted in the new schools of instructing by monitors among the scholars themselves, is now properly allowed to fall into disuse.

"12. That the education given at the greater number of the schools now established for the poorer classes of people is of a kind by no means sufficient for their instruction, being for the most part confined to reading, writing, and a little arithmetic; whereas, at no greater expense, and in the same time, the children might easily be instructed in the elements of the more useful branches of knowledge, and thereby trained to sober industrious habits.

"13. That the number of infant schools is still exceedingly deficient, and especially in those great towns where they are most wanted for improving the morals of the people and preventing the commission of crimes.

"14. That while it is expedient to do nothing which may relax the efforts of private beneficence in forming and supporting schools, or which may discourage the poorer classes of the people from contributing to the cost of educating their children, it is incumbent upon Parliament to aid in providing the effectual means of instruction where these cannot otherwise be obtained for the people.

"15. That it is incumbent upon Parliament to encourage in like manner the establishment of infant schools, especially in larger towns.

"16. That it is expedient to confer upon the town councils of incorporated cities and boroughs the power of levying a rate for the establishment and support of schools under the authority of and in co-operation with the Education Committee of the Privy Council, care being taken as heretofore that the aid afforded shall only be given in cases of necessity, and so as to help and encourage, not displace, individual exertion.

"17. That the permission to begin and to continue the levying of the rate shall in every case depend upon the schools founded or aided by such rate being open to the children of all parents, upon religious instruction being given, and the Scriptures being read in them, but not used as a school book, and upon allowing no compulsion either as to the attendance at religious instruction or at divine service in the case of children whose parents object thereto and produce certificates of their attending other places of worship.

"18. That the indifference which has been found of the parents in many places to obtain education for their children, and a reluctance to forego the advantages of their labour, by withdrawing them from school, is mainly owing to the ignorance of their parents, and this can best be removed by the encouragement of a taste for reading, by the establishment of Mechanics' Institutions, Apprentices' Libraries, and Reading Rooms, and by the abolition of all taxes upon knowledge.

"19. That in towns there have been established upwards of 1,200 of such institutions and reading-rooms, with above 100,000 members, but that by far the greater number of these members are persons in the upper and middle classes, a very small proportion only belonging to the working classes; but it has been found in some parts of the country, particularly in Cumberland, that when the whole management of the affairs of the institutions is left in the hands of the working men themselves, a very great proportion of the attending members belong to that class, and both by frequenting the rooms and taking out the books to read, show their desire of profiting by the institution.

"20. That in every quarter, but more especially where there are no reading-rooms in the country districts, the great obstacle to diffusing useful knowledge among the people has been the newspaper stamp, which prevents papers containing local and other intelligence from being added to such works of instruction and entertainment as might at a low price be circulated among the working classes, and especially among the country people, along with that intelligence.

"21. That the funds given by charitable and public spirited individuals and bodies corporate for promoting education, are of a very large amount, probably when the property is improved and the abuses in its management are corrected, not less than half a million a year; and that it is expedient to give to the Board formed under the Charitable Trusts Act of 1853 such additional powers as may better enable them, with the assent of trustee and special visitors (if any), to apply portions of the funds now lying useless to the education and improvement of the people."

EARL GRANVILLE said, that if the noble and learned Lord deemed it necessary to express humility in introducing this subject to their notice, he hardly knew what he ought to say in rising, not to reply to, but to follow the noble and learned Lord in the observations which he had just addressed to their Lordships. He could only say for himself that almost the first act he performed when he became connected with the Committee of Privy Council on Education was to read the volume containing his noble and learned Friend's speeches on education, and he believed it was impossible for any one to have read those speeches of the noble and learned Lord without acknowledging, not only the spirit, eloquence, and ability with which he had advocated a cause not so popular in those times as it now was, but the singular skill with which he pointed out deficiencies, and suggested many means, since adopted, for improving the system of education in this country. With regard to these Resolutions, of course the noble and learned Lord did not mean that their Lordships were to express any opinion upon them, as they had not yet been brought under their notice; and with respect to one or two of the subjects to which the noble and learned Lord had adverted, such as the question of the stamp and mechanics' institutions, he did not intend to trouble their Lordships with any observations on that occasion. The noble and learned Lord had directed their attention to the subject of the national schools and elementary instruction, and had given them a short account of the progress those schools had made since 1818. He gave also a clear abstract of what had been given under the Census return. He (Earl Granville) confessed that he had some difficulty in dealing with those returns, because it was impossible to deduce any sound statistics from returns that gave the mere number of pupils who received instruction. But this, so far from weakening the noble and learned Lord's case, very much strengthened it; and he was ready to admit that one of the principal points he made was, that at this moment, in many districts, there existed a most lamentable deficiency of schools for the labouring poor. It must at the same time be admitted that this was a very difficult point to obviate under the present system, for so long as they adopted the principle—excellent, no doubt, in itself—that the State only gave something in proportion to the amount of local contributions, it was almost impossible to supply those deficiencies. Though he approved the principle on which they acted, because in stimulating persons to give money for education they stimulated them to take an interest in the best of purposes, yet the effect, no doubt, was to make it difficult to set up schools in very poor districts, whether in the country or in towns. The noble and learned Lord had adverted to the limited period of attendance at school. He might mention that at the beginning of this year a minute was passed by the Privy Council Committee, the object of which was to provide for the attendance of boys of ten years of age only half time. This was only an experiment to see if something could not be done to encourage the education of boys at that age. It might or it might not succeed, and he only mentioned it because their Lordships, who took an interest in the success of schools, might be able to do a great deal in promoting the end sought to be attained. His noble and learned Friend well knew the measures that had been adopted from time to time to encourage national education; and he believed it was a well-merited compliment he had paid to the judicious conduct of the Committee of Council on Education since 1846. It was impossible to overstate the advantage which had flowed from the labours of that Committee in improving the quality of the education given. The progress made during the last eight years had been quite remarkable, and, he believed, unequalled in any other country in the world. He was informed by those who had the best opportunities of judging of the quality of the education given in the schools that there was no country in Europe where it could be surpassed. The pupil teachers had been found to be of the greatest possible use, and the system was infinitely superior to the old monitorial mode, where boys were set to teach others before they had themselves acquired either the knowledge or the experience. It formed, also, a good nursery for schoolmasters. The training colleges were scattered all over the country, and the assistance given to these training colleges he regarded as in the highest degree important. There were very few great landowners or manufacturers who did not feel some interest in the establishment of elementary schools in their own neighbourhoods. The Committee of Privy Council had, during the last year, taken measures which he hoped would tend to encourage pupils to remain at school for two years instead of one; and, could this be attained, the result would be most advantageous in the training of pupils. With regard to the schoolmasters, it had been objected that by a rule of the Council they could have nothing to do with those masters whose salaries did not reach 30*l*., and that this was entirely in opposition to, and subversive of the intentions of the Council; he was happy, however, now to state that the demand for schoolmasters exceeded the supply, and that 80*l*. was often the salary received, and, in many instances, it reached 100*l*. He believed that the system of inspection had been most valuable. He thought that, without it, their efforts would have been comparatively but of little avail, and that their funds would have been wasted, but, under the system of inspection, for every shilling expended they had received a full shilling's worth. He considered that it would be impossible to overstate the advantages that had accrued from having the attention of a large body of highly educated men constantly directed to the subject of national education, and who were constantly in communication with and bringing their experience to the central office, and exerting also an influence on the training schools. He would not trouble their Lordships by entering into details as to the instruction given in these training schools, but would merely refer them to the heading in the minutes before them, under which they would see the subjects on which these masters were examined before they received a certificate. He had heard a great deal said as to the nature of the education given in these national schools, and in one criticism on this subject he concurred, and that was that too much attention was given, particularly in the country districts, to the pupils attaining a most accurate knowledge of the genealogies and the geography of the Old Testament; and he thought that while the greatest attention ought to be given to the Scriptures and to the fundamental principles of Christianity, if the time of the scholars was occupied so much by mastering the details to which he had alluded, that this necessarily prevented them from acquiring knowledge which would be much more useful to the children of the labouring classes. A great deal had been said on —and it had almost become a cant phrase, —"common things," and the advantage to be derived from more instruction in them. Lord Ashburton had, in an excellent speech, done much to bring this subject before the people, and he (Earl Granville) trusted that it would be followed up. At the same time, it would be hardly fair to allow their Lordships to think that this subject had been overlooked in the training schools and establishments. On visiting any of these establishments, particularly those under the senior inspector, acting under the general order of the Council, it would be found that lectures were given on the elements of political economy as affecting wages; also on the materials of dress, modes of cookery, and on mechanical powers, mensuration, &c.; and, in those schools attended by girls, not only was cookery attended to, but sanitary means and regulations, and also attendance on and attention to the sick. He had been told by one of the inspectors who had been long under the committee, that in this district, not only around the metropolis, but in the country, day after day, instruction was given of the most useful character on many of these subjects. He might mention, to show the confidence the Committee had in their present system, the increase that had taken place in the schools and teachers during four years. At the end of 1850 there were 1,717 schools, and 4,660 Government apprentices or pupil teachers; in 1851, 2,600 schools, and 5,607 teachers; in 1852, 2,277 schools, and 6,180 teachers; and at the end of 1852 there were 2,546 schools, and 6,912 teachers; or, in other words, there was at the end of 1852 an increase of nearly 50 per cent over the numbers of 1850. With regard to the abuses of charities, he thought he was perfectly right in saying that the powers in the hands of the Commissioners ought to be increased. He believed, however, that that Board had acted most zealously; and numerous applications had been made to them by trustees to place schools on a more efficient footing. The Commissioners had gone into these cases, and almost invariably had to say, "Your case is a good one, and we hope your wishes may be complied with; we have not the power to help you, but you must go to the Court of Chancery." The applicants, however, did not seem to like the notion of going into Chancery, and, therefore, did not follow up this suggestion. He considered that amendments ought to be introduced on this subject, and most probably a measure would be introduced next Session to effect this, and he trusted that such a measure would receive the favourable consideration of their Lordships. The last point that had been mentioned by the noble Lord was as to the mode of establishing schools to supply the deficiencies which they so much lamented. It was impossible for him (Earl Granville) to express any opinion on this at present, and he could only say that all the Members of the Government were most anxious on this subject, and would gladly avail themselves of any opportunity of establishing a more enlarged system of education, and they were determined to push with the greatest possible vigour their present means and powers. Their Lordships would see, from the fate of the Government educational measure of last Session, and that of the Scottish measure of this, and also from the evidence received before the Irish Committee on Education, that there was a great practical difficulty in the way of introducing any new system of education; they, therefore, must act on the old song, and be sure "that they were off with the old love before they were on with the new," and they ought to beware of taking any steps which would prove prejudicial instead of favourable to the object they were so desirous of attaining. It was impossible to discuss this subject too much, and great advantage would be derived from having it discussed at public meetings so as to bring it as much as possible under the attention of all classes. He tendered his thanks to the noble Lord for having brought this subject before their Lordships, and for his excellent speech, by which he had cleared away false impressions created by a passing joke made by him in some remarks made early in the Session, and the noble Lord had also by his speech of to-night proved that his efforts in behalf of one great object of his life had not in the least degree diminished.

The Earl of HARROWBY desired to call the attention of their Lordships to the necessity of dealing differently with the metropolis to what they did with the country districts. In the metropolis they had not the same agencies to work through—they had 2,500,000 of people, and no mutual feelings existing between the employers and employed, and consequently there was a great deficiency of the means of education. In one parish that had come under his notice two or three years ago, there was no school for the children of the poor; during the last three or four years there had been one school established. There were other parts of the metropolis as badly off, in which the clergyman could not act, and the people were too poor to do so. He thought, at least, that the same assistance ought to be extended to these parts of the metropolis as to the country districts. He considered that national education was in a most hopeful state, for its development in the country had of late years exceeded that of any other, and it had become not only the wish of the State, but of the people. He believed, however, that until the employers of labour took an interest in this subject, and felt the duties imposed on them of requiring all children, previous to entering their employ, to submit to an educational test, and also of affording them all facilities of acquiring knowledge after they had entered into their employ, the children would not be enabled sufficiently to derive the advantages from the means of education supplied to them.

Lord CAMPBELL rose to confirm the statement of his noble Friend with reference to the metropolis. It had always been found that where there were no means of education crime prevailed, and that education tended to lessen it. He regretted to say that in the metropolis crime had most enormously increased, particularly among juvenile offenders, and it was, therefore, of the last importance that the metropolis should be attended to. It was there that there was the most crying necessity for the interference of the State; there was no local feeling to aid in educating the children, nothing but absolute poverty and destitution, and the condition properly required by the Council, that there should be some local donation, could not be complied with, and it was the very poverty of these metropolitan districts that rendered their case so hopeless.

Lord BROUGHAM, in reply, again adverted to the pamphlet which had been published by Dr. Hook, of Leeds, and addressed to one of the right rev. Prelates, which contained as much enlightened and sound and liberal doctrine as was ever written by any man. He (Lord Brougham) was of opinion that religious instruction ought to be given in all schools receiving assistance from the State, subject to the qualification respecting Dissenters, and that Scripture ought to be read in those schools; but he agreed with Dr. Hook that the Bible ought not to be made a school-book or lesson-book.

The further Debate on the said Motion *put off, sine die.*

YOUTHFUL OFFENDERS BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of this Bill, stated, that its object was, that, in the case of youthful offenders, there should be a power, in addition to inflicting some slight punishment, of sending them to reformatory schools. He felt that this was one of the most difficult subjects with which a Legislature could have to deal, because, desirable as the subject was—and necessary as he believed it to be, that the Government should make an effort to provide for it—he could not but feel that they were liable to be met by the objection, that if they gave a person a good education because he had committed an offence, they might be placing their criminals, in fact, in a far better position than those who had been guilty of no crime at all. Still, there was a very natural and growing feeling that in the case of youthful offenders, at all events, the attempt ought to be made; and it was proposed by the present Bill to sanction that attempt, not by establishing any general system, such as that which existed in France, but by proceeding in a more humble way. There were many reformatory schools at present existing, which had been established by the voluntary efforts of benevolent and honest-minded individuals; and what was proposed was, that the Inspectors of Prisons should examine these schools, and that whenever they reported of them favourably, and expressed an opinion that they were likely to effect their object, there should be a power to send juvenile offenders to them, to undergo the discipline and to receive the education which they had been established to carry out. If the school proved inadequate to the accomplishment of its professed object, the Secretary of State would have power to interfere, and to prevent any other offenders from being sent to it; and if any offender, having been once sent, should leave the institution without a licence, he would be liable to punishment for so doing. He hoped that by adopting this system, they might be able to effect, to some extent, what had been effected to a considerable extent in France—that the juvenile offenders sent to these institutions would forget their vicious habits in them, and would be restored as respectable and useful members to society. It was an attempt, at all events, in the right direction; and although many persons would probably be of opinion that it did not go far enough, he thought it was better that they should advance by degrees upon a matter of so much importance, than that they should run the risk of failure by attempting too much at once.

Moved, That the Bill be now read 2^a.

LORD LYTTELTON said, that while he cordially supported the Bill as far as it went, he must confess himself one of those persons to whom the noble and learned Lord had just referred, who thought that a great deal more might have been done in the same direction. There was one part of the Bill upon which he wished to make one remark. He thought that, instead of sending these juvenile offenders to reformatory schools, in addition to the punishment of imprisonment, they should be sent there in lieu of it, and not be exposed, for however short a term, to the contamination of a gaol. He believed that the whole mischief was done in sending them to our ordinary gaols at all, and that the discipline and control to which they would be subjected in well-regulated reformatory schools would be found punishment enough. He had read the greater part of the evidence which had been laid before Parliament on the subject, and he thought it strongly preponderated in favour of the opinion which he had just expressed.

LORD CAMPBELL, in giving his assent to the Bill, said, he would take that opportunity to remind the House that, shortly after his return from the last spring circuit, he had called the attention of their Lordships to the enormous mischief and inconvenience which resulted from there being no means of dealing with small offences, except committing the parties charged for trial at the assizes or sessions, which led to their being retained in gaol for twice or three times the period for which they would have been sent to prison if they had been tried and found guilty at the moment. At the trial they often pleaded guilty, and, in consideration of their long previous confinement, were dismissed perhaps with a single hour's imprisonment. The inconveniences which resulted from such a state of things were considerable; and his noble and learned Friend the Lord Chancellor, when he spoke of those inconveniences, had promised that the attention of the Government should immediately be directed to it; but the Session was now drawing to a close, and no Government measure had been introduced, while a Bill which had been introduced into the other House of Parliament by an hon. and learned Friend of his (Mr. Aglionby), and some of the clauses in which would have embraced this subject, had been recently withdrawn. He wished to ask his noble and learned Friend, therefore, whether something could not yet be done? for he was sure that, notwithstanding the Sessional order which fixed to-morrow as the latest day for reading any Bill a second time, such a measure as that to which he had referred would be voted "urgent," and would receive the favourable consideration of the House.

THE EARL OF DONOUGHMORE concurred warmly in the object of the Bill, and wished to ask the noble and learned Lord why its provisions were not to extend to Ireland, where greater difficulty was found in dealing with this class of offenders than with any other?

The LORD CHANCELLOR said, as the Bill was originally introduced into the other House of Parliament, Ireland was not excepted, and he saw no reason why it should be; but the exception had been introduced at the instance of a large body of Gentlemen connected with the sister country in the other House of Parliament. With respect to the question of his noble and learned Friend (Lord Campbell), it was true he had promised that the attention of the Government should be directed to the subject to which his noble and learned Friend had referred. He had, in fact, had papers before him for the purpose of preparing a Bill; and had only not proceeded to do so, because he saw that his hon. and learned Friend (Mr. Aglionby) had introduced a Bill into the other House, to which he had given a careful and attentive consideration, and some of the provisions of which appeared to him to apply distinctly to the point. He had not at all anticipated that that Bill would be dropped; he had taken for granted that it would come up, in due course, to their Lordships' House; but, without being able to promise his noble and learned Friend that he would introduce any measure in the present Session, he would take care, for the future, to rely on nobody but himself.

The Earl of HARROWBY suggested that the noble Earl on the cross-benches (the Earl of Donoughmore) should try the experiment in Committee of bringing Ireland within the operation of the Bill.

After a few words from the Duke of Argyll, Lord Redesdale, and the Bishop of Lincoln,

Bill read 2ª accordingly; and *committed* to a Committee of the whole House on *Friday* next.

USURY LAWS REPEAL BILL.

Order of the Day for the Second Reading read.

The Marquess of LANSDOWNE moved the second reading of this Bill, and said, that it might be in the recollection of their Lordships that the inconveniences which had been found to result from the operation of the laws against usury had been so many and so great that, notwithstanding strong prejudices on the subject of usury and usurers, it had been found necessary to relax those laws from time to time. At the time of the great commercial failures in the years 1836 and 1837 it was found that the greatest relief which was experienced from the pressure was the result of a provision which had been introduced not long previously into the Act for the renewal of the Bank Charter, enabling the Bank of England to charge a higher rate of interest than those fixed by the usury laws. In consequence of this, he (the Marquess of Lansdowne) had been induced to take charge of a Bill in that House, by which, with respect to bills of exchange, and other securities of that description, the rate of interest was indefinitely extended. This he had proposed as a permanent Act; but considerable apprehension was expressed as to the probable effect of such a law; and it was only passed at that time as a temporary measure. Nor at the end of that time were these apprehensions removed, although the difficulties and inconveniences which had been anticipated were not found to result from it. People could not be brought to believe that money was as much a commodity as any ordinary article of produce—that its value must be regulated, like the value of any other commodity, by the ordinary principles of demand and supply—and that it was as impossible to fix the rate of interest at which it should be lent as to fix the price at which corn and butter should be sold. This prejudice, however, had gradually disappeared, and the object of this Bill was, as the same considerations applied to land and other property as applied to bills of exchange, to apply to them the same legislation. People were not deterred from raising money upon such securities at a higher rate of interest than five per cent by the present state of the law; but they had recourse to collusive practices and fraudulent proceedings in order to evade its operation. The inconveniences to which this led were very seriously felt in England, but they were felt much more seriously in Ireland, where the circumstances of many estates were such that it was impossible to borrow money upon them within the limits which the usury laws present. The result was, that annuities were granted, and various subterfuges and contrivances were resorted to; and, in the end, a much higher rate was paid than if the money could have been had at its market value, upon a mortgage in the ordinary way. The usury laws, in fact, did no good whatever, but they produced great inconvenience; they affected to do what all the powers of the

Legislature could not do—to apply a different principle to one description of commodity from that which was applied to every other—and they interfered with the principle of supply and demand. Having referred to Calvin as among the distinguished men who had doubted their policy, and to Jeremy Bentham as having dealt the first great blow against them, the noble Marquess concluded by expressing an earnest hope that their Lordships would consent to the second reading of the Bill.

Moved, That the Bill be now read 2ª.

LORD CAMPBELL expressed his great satisfaction that the usury laws were about to be entirely swept away. From his long experience in courts of justice, he could bear testimony to the mischievous effects which they produced. They had been practically swept away in all cases except where real security was given; but in the cases in which they were retained they led to a good deal of litigation, and proved most disastrous, and even ruinous, to those whom they were avowedly intended to protect. They had given a great deal of employment to the Incumbered Estates Court in Ireland, and he believed that many estates in Ireland which might otherwise have been disincumbered had been brought to the hammer through the operation of those laws.

LORD BROUGHAM said, it was almost needless to express his concurrence in what had fallen from Lord Campbell; the usury laws were not merely bad commercially, but also morally, and on grounds both commercial and moral nothing could be worse than those laws. The usury law had been denounced by Bentham, and in the same volume he also demonstrated the policy and injustice of law taxes, which it was to be hoped would soon meet with the same fate as the usury laws were about to meet with.

THE LORD CHANCELLOR also supported the Bill. The usury laws could always be defeated by a person who was willing to resort to something which bordered upon fraud. Building societies had been exempted from their operation in order to encourage the industrious classes to make small weekly or monthly investments out of their earnings. But the exemption had been taken advantage of by people who had capital to lay out, and who found that, by making use of these societies, they could obtain real security for their money without being subject to the restrictions which the usury laws imposed. This fact had been brought prominently before him in a case which had occupied his attention in the Court of Chancery during the last two or three days, and he thought it was a strong reason for placing these laws upon a rational footing, and for enabling people to do openly and directly what they could now accomplish by indirect and crooked means.

LORD REDESDALE would not oppose the second reading of the Bill, but thought it ought to have been introduced earlier in the Session, that there might have been more time for consideration.

THE MARQUESS OF LANSDOWNE said, every matter of detail had been omitted from the Bill, and the principle was one which did not require any long discussion.

Bill read 2ª accordingly; and *committed* to a Committee of the whole House *Tomorrow.*

REAL ESTATE CHARGES BILL.

EARL FORTESCUE moved that this Bill be now read a second time, which he said had been sent up for their Lordships' approval from the other House of Parliament. The Bill was intended to make a salutary alteration in the law relative to charges upon real estate. Those Members of their Lordships' House who were conversant with the law of real property were aware that, by the law as it at present stood, if a man borrowed a sum of money and gave a mortgage on his real estate for the same, and afterwards died intestate or without specially providing for the exemption of his personal property from the charge on the real estate, the whole of his personal property would be taken to discharge the debt before the estate on which the mortgage existed could be rendered liable. This state of the law had given rise to many cases of hardship and injustice. He knew many cases in which the most lamentable consequences had ensued from ignorance of the law in this respect. In one case, a man had purchased a house and lands worth 1,500*l.*, 700*l.* of which he paid, leaving the remaining 800*l.* as a mortgage upon it; he died suddenly and intestate, leaving an eldest son, twenty-two years of age, and six younger children. The eldest son took out letters of administration, called in the personal estate belonging to the father, with which he cleared the estate of the 800*l.* mortgage, and left his brothers and sisters to come upon the parish. This was a case of intestacy; and he would now relate to their Lordships a case of hardship under a will. A gentleman died, leaving an only daughter, to whom he bequeathed all his personal property, leaving to a distant relative an estate charged with a heavy mortgage. The father of course expected that his daughter would receive the entire of his personalty without deduction, but the devisee of the landed property claimed to have the debt upon the estate paid out of the personalty, and several thousand pounds were thus deducted from the inheritance which the father believed he had left his child. These were two cases of very recent occurrence. The object of the Bill was in no wise to interfere with wills or with settlements, but simply to give effect to the intentions of testators, and he hoped their Lordships would sanction it. The first clause of the Bill provided that where no provision was made by will to the contrary, all mortgages should be defrayed out of the property mortgaged, and the second clause provided that where a party directed his property to be sold for the payment of incumbrances, it should be treated as personalty instead of realty.

Moved, That the Bill be now read a Second time.

LORD REDESDALE said, he felt bound to oppose the second reading of the Bill, which he regarded as a step towards altering the law of succession of landed property in this country. He was not convinced by any of the arguments of the noble Earl that such a Bill was necessary. The case quoted was one in which the will had failed to carry out the wishes of the testator, but this occurred on many occasions, and was not a sufficient reason for a change in the law. He moved that the Bill be read a second time that day three months.

Amendment moved, to leave out the word "now," and add the words "this day three months."

LORD CAMPBELL was sorry to hear that there was any opposition to the Bill, having believed that a measure which was so much in accordance with the dictates of justice and equity would have passed unanimously. The Bill did not interfere with the law of primogeniture, to which he was as much attached as any of their Lordships; and when in the House of Commons he had opposed a Bill providing that, in case of intestacy, the land should be equally divided amongst the children. It did not interfere with real estate in the least degree, but merely enacted that personal estate should be divided as personal estate, among the widow and children, instead of, as in many cases now, the whole of it in fact going to the heir. It merely corrected a doubtful decision of the courts of equity. In Scotland they had no such absurd law as that existing in England, and yet there the laws of primogeniture were in full force and effect. He trusted the Bill would be read a second time.

EARL GRANVILLE, on behalf of a noble and learned Lord (Lord St. Leonards), who was unavoidably absent, suggested the propriety of reading the Bill a second time *pro formâ*, and delaying further discussion upon it until it went into Committee.

THE DUKE OF ARGYLL supported the second reading of the Bill, and thought it astonishing that so unjust a regulation as that with which it proposed to deal could ever have existed in England.

THE LORD CHANCELLOR said, the House ought to know exactly what the law was before they came to a vote upon the matter; for he thought that if the law were well understood, there could not be two opinions as to the justice of the measure. Suppose a man inherited an estate from his father that was charged with a mortgage of 10,000*l.*, that he also possessed 10,000*l.* in the funds, and died intestate, leaving an eldest son and several other children; the law in that case gives the estate to the eldest son, but gives it *cum onere*—that is, subject to the mortgage—and the personalty is divided amongst all the children; but suppose the man had inherited the estate free from any charge, or had purchased it and afterwards mortgaged it, investing the mortgage money in the 3 per cents, and then died intestate, any person would say that the same rule ought to apply; but the law steps in and says the mortgage is a debt, and must be paid out of the personal property, to the injury of the younger children. This evil is proposed to be corrected by the first clause. He hoped there would be no opposition to the Bill. He would not consent to anything that would shake the institution of primogeniture; but it seemed to him that the refusal to pass such a measure as that before the House was the surest means of bringing that institution into discredit. If they agreed to the first clause they would necessarily agree to the second, which carried out the same principle. It was to this effect—that when a testator directed real estate to be sold for the payment of debts, any surplus remaining after the discharge of the debts should be considered as personal property, and not retain the character of real estate, as it did under the present law. The proposal, in fact, was, that where there was no direction the property should go in the manner in which it might be fairly supposed to have been intended. He hoped the Bill would be allowed to pass the second reading.

THE MARQUESS OF BATH said, that the tendency of the existing law was to keep real property together; but this Bill, if passed, would have a tendency to sever it. It was clear that the object of those who had introduced the Bill in the other House was to destroy the law of primogeniture, and to favour personal against real estate. He trusted their Lordships would refuse to sanction the measure.

THE EARL OF HARROWBY thought that, as the object of the Bill was merely to make reasonable and just what was now most inequitable and unjust, it ought to be agreed to by their Lordships. He did not, however, altogether understand the operation of the measure.

After a few words from Lord CAMPBELL in explanation, as to the effect of the Bill upon creditors, showing that it would not in any way affect their rights,

LORD REDESDALE said, he would not divide the House, on the understanding that the Committee should not be taken before Monday.

Motion (by leave of the House) *withdrawn.*

Bill read 2ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 24, 1854.

MINUTES.] NEW WRIT—For Beverley, *v*. Hon. Francis Charles Lawley.

PUBLIC BILLS.—1° Court of Chancery.

3° Admiralty Court; Land Revenues of the Crown (Ireland); Highways (Public Health Act); Standard of Gold and Silver Wares.

DUCHY OF CORNWALL OFFICE BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be read the third time upon Tuesday next."

MR. AYSHFORD WISE said, this was another of those Bills which were being hurried through the House without due explanation or time for consideration. The object of this Bill was stated to be to facilitate the transfer of the Duchy of Cornwall offices from rooms in Somerset House to a new house to be erected for that purpose. In order to carry this out, it was proposed to give the Duchy 16,889*l.* for their present premises, and also to pay half the amount of the excess above that sum which the new premises might cost. Now, before he assented to this Bill, he wished to be satisfied that the Duchy of Cornwall had a vested interest in the premises in Somerset House under the 59 *Geo.* III., a matter on which he entertained considerable doubt. Of course, if there was such a vested interest, it would be necessary to pay for it. But even in that case he strongly objected to pay any portion of the additional cost of the new premises. The revenues of the Duchy now amounted to 57,000*l.* per annum; 13,000*l.* per annum was paid in salaries to officers, and the Council were laying by 25,000*l.* per annum for the Duke of Cornwall. Under these circumstances, he could not assent to charge the nation with any part of the cost of building an ornamental building in Pimlico for the convenience of the Duchy Council, who were administering what was always contended to be private property whenever Parliamentary inquiries were talked of. He thought that some further explanation should be given before the House consented to read the Bill a third time, for it was read a second time on Friday after midnight, had gone through Committee on Saturday, and was again before the House on Monday morning; and this adjournment was the more necessary, as the Supplementary Estimates were fixed for this week, when this Vote of 16,889*l.* would be taken. He wished to have a copy of the contract, and an estimate of the proposed works, and of the value of the rooms now occupied at Somerset House. He had taken some trouble to ascertain whether the Duke of Cornwall had a vested interest, but all he could find was an Act of the 15 *Geo.* III. c. 33, which stated that His Majesty having purchased Buckingham House and the large gardens adjoining, wished to settle that palace on the Queen instead of Somerset, or, as it was then called, Denmark House, and proposed to give the nation Somerset House in exchange. This arrangement having been completed, the Palace was converted into offices for public business, such as for Stamps, Navy, Ordnance, and the Duchies of Lancaster and Cornwall. He did not see how the Duke of Cornwall obtained any vested right by this arrangement, and it would be very difficult to prove to him how a few rooms, worth, perhaps, 2,000*l.*, could create a claim for a consideration of 16,889*l.*, or even double that sum, which this loosely drawn Bill might entail upon us. As a representative of the people, he protested against these constant attempts to take the public money for such unnecessary, and, he must add, such unjustifiable purposes.

Sir WILLIAM MOLESWORTH said, the only object of this Bill was to give to the Duchy of Cornwall precisely the same holding in the public offices to be established at Pimlico as it now enjoyed in Somerset House. In order to build those offices it would be necessary for him to come to the House for a Vote of 16,889*l.*, and he would on that occasion explain the reasons for the proposal, if the House wished. The removal of the offices of the Duchy of Cornwall was entirely for the convenience of the Inland Revenue Department, and it was thought to be well worth paying half the excess required for the new offices to have the additional accommodation at Somerset House for that department. He would reserve any further explanations until the House went into Committee of Supply.

Mr. W. WILLIAMS said, he objected to appropriating the public money to any such purpose, for, if they affirmed such a principle, there was no knowing where the expenditure would stop, and the nation had already spent hundreds of thousands in beautifying and adorning edifices in that quarter. If it was necessary for the convenience of public business that the space occupied by the offices of the Duchy of Cornwall should be devoted to other purposes, why not give them an equal number of rooms at Whitehall or some other public office. But he must say he could not understand why it was necessary to erect a magnificent set of buildings for this purpose. Many noble Lords and hon. Gentlemen possessed estates producing 57,000*l.* per annum, and they did not require a large building for the transaction of their business. Until the whole matter was laid before the House, he should offer his decided opposition to it.

Mr. HENLEY said, this Bill stood in precisely the same category as the preceding Bill; it was read on Saturday for the second time, and he, with other Members, knew nothing about its contents. He demurred greatly to the principle laid down in the Bill with respect to the payment of only half the unknown expenses of the Duchy of Cornwall. The Bill pledged the country to an unlimited amount. There was no estimate of expense, or of the probable cost that would fall on the country, by transferring the offices from Somerset House to the new building in Pimlico. This sort of bargain the country ought to be no party to. He hoped the right hon. Baronet would consent to postpone the Bill until they had the Estimates before them, and heard the explanation.

Lord JOHN RUSSELL said, he did not think the right hon. Gentleman (Mr. Henley) correctly understood the nature and object of the Bill. It was thought convenient for the public service that the Inland Revenue Department should be removed from the offices it formerly occupied. The premises in Broad Street accordingly were sold, and they realised upwards of 100,000*l.*, and the department was removed to Somerset House. When it had removed to Somerset House it was found that there were certain offices there established by Act of Parliament which were wanted for the Inland Revenue Department. Well, the question was, whether the House would refuse to sanction such an arrangement as that proposed or not. The Duchy of Cornwall had no wish to remove. If it was the wish of the House that there should be sufficient accommodation for the Board of Inland Revenue, of course they would carry that wish into effect; but he agreed with the right hon. Gentleman that the House ought to have full information, and he had no objection to postpone for some days the consideration of this Bill in order that that information might be afforded. The Bill was good for nothing unless the Vote in Committee of Supply was granted. All that the Duchy of Cornwall could wish was, that if they were turned out of their rooms in Somerset House, they should have other rooms in which to conduct their business. There could be no need to erect a great building for that purpose. He would move to postpone the third reading till Thursday.

Mr. DIVETT said, he thought a postponement would not altogether meet the case. He considered the proceedings of the Council of the Duchy of Cornwall tyrannical and overbearing in the extreme, and he was not disposed to vote away the public money for the purpose of building offices for their convenience. He would, therefore, move as an Amendment that the Bill be read a third time that day three months.

Amendment proposed, to leave out the words "Thursday next," in order to insert the words "upon this day three months," instead thereof.

Question put, "That the words 'Thursday next' stand part of the Question."

The House *divided*:—Ayes 79; Noes 18: Majority 61.

Main Question put, and *agreed to*.

Bill to be read 3° on *Thursday* next.

BRIBERY, &c., BILL.

Bill, as amended, *considered*.

LORD JOHN RUSSELL said, he would now move the insertion of the following Clause—

> "And whereas doubts have also arisen as to whether the giving of refreshment to Voters on the day of nomination or day of polling be or be not according to law, it is expedient that such doubts should be removed; be it Declared and Enacted, that the giving, or causing to be given, to any Voter on the day of nomination or day of polling, on account of such Voter having polled or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be held and be taken to amount to bribery or treating, as the case may be, within the meaning of this Act."

Clause *brought up*, and read 1°.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. FRESHFIELD said, that as the Bill stood at present, it was illegal to give refreshment to voters for corrupt purposes, but by the present clause, which was extremely general in its nature, it was proposed to make it illegal to give refreshments to any one about to vote or who had polled. At the time of the North Cheshire Election Committee the noble Lord expressed himself to the effect that the law intended to punish only those who gave refreshments for the purpose of corruptly influencing the electors, and he seemed to think there could be no objection to issuing refreshment tickets to a moderate extent, but not with any view of corrupting the electors. He (Mr. Freshfield) would suppose that 4,000 fourpenny tickets were issued. If they were divided between thirty and forty houses, those places would become depôts for the electors to meet, just as a turnpike or a milestone might. That seemed to be the opinion of the noble Lord in 1840, and Sir Robert Peel agreed with him, that the gist of the whole matter with which they had to deal was the intention, but now they were prepared to say that every kind of refreshment given to voters must necessarily be given corruptly. He hoped the House would not affirm the clause.

MR. HENLEY said, he thought this clause went much too far, as, by it, if any person not having the slightest concern in the election gave a voter a pint of beer he would be liable under it. He thought the treating clause in the Bill quite sufficient, and could not understand why they wanted to carry the law further. The hon. and learned Attorney General knew as well as any one that when voters came together there was a great deal of what was called good fellowship; what was termed a dry election was unknown, and, do what they would, they would not be able by an enactment to introduce a change in the habits of the people of the country. He believed that by making the law so stringent it would remain a dead letter, and they could not commit a more absurd mistake than to imagine that the more severe the law was the more efficacious it would be to put down corruption. If the present clause was adopted, the 4th or treating clause would be all moonshine, and had better be struck out. The only result of enacting such laws as this, which visited innocent hospitality with the same penalty as corrupt treating, would be, that while the great fish would slip through the net, the little fish, whom every one thought should be let go, would be caught. He believed that if they agreed to this clause they would have such a shower of *qui tam* actions after the next general election, that they would be obliged to pass another Act to stop them. He thought it would be far better to leave the law as it stood, and should certainly vote against the clause.

MR. SPOONER said, he wished to know whether if a voter had travelled 100 miles, and either before or after the election received a glass of beer, that was to be considered bribery?

THE ATTORNEY GENERAL said, without hesitation, that the clause passed on Saturday rendered the payment of any expense whatever connected with travelling by the candidate, except the actual expense of locomotion, illegal. With regard to what had fallen from the right hon. Member for Oxfordshire (Mr. Henley), they were all aware that a person giving meat and drink for the purpose of corrupting the voter was guilty of treating, but there was another question not legally decided as to whether the giving of refreshment to a man coming a distance to the poll could be termed "corrupt treating," and it was of the utmost importance to Committees of that House that that question should be decided. The right hon. Member for Oxfordshire seemed to think it would introduce breaches of hospitality, but he (the Attorney General) did not know why. If a man met his friend or neighbour at market and asked him to come home and dine with him, it was not because he came to market, but because he met him away from home, and so it would be when a man went to the poll and met his friend who entertained him, that entertainment would not be on account of his voting. But, with respect to the candidate and the voter, he thought it ought to be decided by the House whether voters should have refreshment given them or not. He was of opinion that they ought not, because it would be well to encourage in voters a feeling of independence, so that they should feel they were under no obligation to the candidate, and that they gave their vote in the exercise of a duty and a privilege which the country conferred upon them. The system of refreshment tickets might lead to many abuses, as some voters might have come to the election with their minds not quite made up, they might meet with persons who would entertain them by means of refreshment tickets, and thus influence them. He was strongly of opinion that refreshment tickets should be made illegal, but he considered that the House ought to decide the whole question.

Lord ROBERT GROSVENOR said, the principle of this clause seemed to be that the candidate's friends should not be allowed to do by means of refreshment tickets that which the candidate himself was precluded from doing, and so far he agreed with it: but he considered the clause, and the penalties embodied in it, far too severe. What the different Election Committees wanted to know was the opinion of the House respecting the legality or otherwise of refreshment tickets, and, if they were legal at all, to what extent? He should vote for the second reading of the clause, but he hoped, when it came to be considered in detail, it would be modified so as to lessen the penalties; for he quite agreed with the right hon. Member for Oxfordshire, that as it stood, the clause regarding treating was quite superfluous and had better be struck out.

Mr. BANKES said, from the answer of the hon. and learned Gentleman the Attorney General, it was clear that the legal ingenuity of the hon. and learned Gentleman only enabled him to step out of the difficulty pointed out by the hon. Member for North Warwickshire (Mr. Spooner). He thought the clause ought to be so worded as to effect its purpose without doing injustice and attempting impossibilities.

Mr. MORRIS said, he wished to inquire of the hon. and learned Attorney General whether a person would not be allowed to give refreshment to a voter after the election was over, when it could not be said that he was under any influence in consequence of refreshment?

The ATTORNEY GENERAL: According to the construction of the clause, it would be treating, and, consequently, illegal.

Mr. HILDYARD said, he would put the case of a Member going down into the country to give an account of his stewardship, and his friends assembled together at dinner—would it be legal, he asked, to contribute towards the payment of any portion of the expenses connected with such dinner? If they might pay the expense in the one case and not in the other, their legislation was absurd. Nothing could be more common than a landlord calling his tenants together and explaining to them his political views, and he (Mr. Hildyard) did say that it was a most desirble thing that a representative should have frequent opportunities of calling his constituents together—of explaining his conduct and satisfying them that he had acted honestly and uprightly. Hon. Gentlemen had very arduous duties to perform, and it was of the utmost consequence that they should stand well with their constituents, and be able to remove any misapprehension that might have existed in their minds. Were they to stigmatise a man who chose to pay a portion of such expense as a person who bribed? He believed some most stringent penalties inserted in the clauses were placed there and contended for, not so much on account of hon. Members desiring purity of election as to save themselves expense. No doubt, if persons distributed refreshment with a view to influence their election it was corruption, but not so when that refreshment was issued indiscriminately as an act of hospitality.

He did not deny that much corruption had existed, of which it was the duty of that House to prevent a recurrence; but he believed there were many instances in which that corruption could be traced to publicans. Nine times out of ten they were at the bottom of the secret; in a large number of cases the charges of the publican were for ten times as much as had been supplied, and much of that which had been supplied had been consumed by those who were not voters. He very much regretted that the proposition which had been made at an earlier stage of the Bill, for the supply of moderate refreshment tickets, had not been acceded to. He felt convinced that a considerable number of the independent voters would not avail themselves of them; and, while they would secure the poorer classes of voters against actual loss in consequence of their attendance at the poll, they would form a salutary check against the charges of publicans, and the Legislature would slowly and gradually, assisted as it was by public opinion, be enabled to strike at the main evil. But the present clause, from its generality, interfered with those with whom the Legislature never intended to interfere. Her Majesty's Attorney General said, he saw nothing in the clause which prevented a man inviting home a voter whom he met to take some refreshment with him; but how would it be if it were served in the servants' hall, and how fine would be the distinction between giving a man luncheon in the servants' hall and allowing a publican to supply it! He thought, on the whole, it would be far better to let the Bill stand without this clause, and restrict penalties to those who gave refreshment with corrupt intentions. If, however, they were determined to retain this clause, the better course would be to legalise the issue of such moderate refreshment tickets as to the Legislature might seem necessary.

Lord JOHN RUSSELL said, if the House would consider the position in which the question now stood, they would see that the Bill already provided severe penalties against persons who gave meat, drink, or entertainment to any voter with a view of corruptly influencing him. What formerly applied, under the Act of William III., to a particular period, now applied to the period previous to, during, and after the election. But a question also arose as the giving any sort of entertainment to a voter on the day of nomination and election, and whether or not the House would agree to a clause imposing all the penalties which referred to corrupt treating during the election. That being the case, he thought it necessary that they should consider whether or not such refreshment tickets were prohibited by law; and they all knew there had been many cases before Election Committees where candidates had been unseated on account of having given such entertainment, while there had been other cases in which all the candidates agreed to give moderate refreshment to voters. That state of the law was very inconvenient and incongruous, and it was very desirable the House should decide the question. It had been proposed by Sir Edward Buxton and others, to give a limited amount of refreshment, not exceeding 2*s.* in value; but the objection to that was that they could not well limit the amount of refreshment to be given in that way, and it would be attended with this inconvenience—that every voter who came up could put in a claim, and thus a general system of treating would arise. Now, it did not seem to him to be very unreasonable that about once every three years there should be two days when it should not be lawful to give meat or drink to persons about to vote. Many poor men went out to their work, taking their food with them, and after staying all day returned home in the evening, and many persons in a higher sphere of life were accustomed to pass a much greater number of hours than the period of the day when an election was taking place without taking more refreshment than they could conveniently carry with them; and therefore he did not see the force of the argument about the inability to attend from want of refreshment. On those grounds he certainly thought they might safely adopt the provisions of the clause, but, as to the amount of the penalty, he did not attach very great importance to it. Their object was to declare, by Act of Parliament, whether they would allow or prohibit that mode of entertainment; and, if they determined to prohibit it, he should not object to the course of attaching a smaller penalty.

Sir FITZROY KELLY said, he fully agreed that it was quite necessary to settle the law by a decision of the whole House, and the only question was, whether they would adopt the clause with or without modification? He considered that to give refreshment tickets to voters would be nothing more nor less than to legalise a general system of treating, which it was one of the objects of the Bill to put down;

and he therefore opposed any system of the kind. There seemed to be some reason why a smaller penalty should be substituted, but he trusted that the House would allow it now to pass, and at some further stage see whether some modification could not be introduced; there would be abundant opportunity of moving for a reduction of the penalties.

Mr. VERNON SMITH said, that the noble Lord the President of the Council would make an election time a fast, but the hon. and learned Attorney General's construction was totally inconsistent with that of the noble Lord, and he must say he could not draw the fine distinctions which the Attorney General entertained, and thought, if they imported the clause into the Bill, it would have to be construed strictly.

Mr. KNIGHTLEY said, it was all very well for hon. Gentlemen to sneer at going without one's dinner, but how would they like it themselves? He would appeal to Mr. Speaker whether he had ever seen 100 Members in the House between the hours of half-past seven and half-past nine. He should support the proposal for allowing moderate refreshments.

Mr. WINN KNIGHT said, he believed, if the voters were not allowed any refreshment whatever, the Bill would have the practical effect of disfranchising a large number of voters who could not afford the expense of attending the election.

Lord ADOLPHUS VANE TEMPEST said, he considered that the hon. and learned Attorney General had done much by his answer to the question which had been put to him that evening to render the question still more complex and difficult than it was before. He (Lord A. V. Tempest) wished to see bribery and corruption put down as much as any one, but he could not consent to the introduction of a clause by the noble Lord which rendered hospitality illegal. [The noble Lord then continued, amid loud cries of "Divide!" to speak until the hands of the clock pointed to ten minutes to four, when he observed that he believed by the rules of the House a division on the subject could not take place that day.]

Debate *adjourned* till *To-morrow*, at twelve o'clock.

Lord JOHN RUSSELL said, he would take the third reading in the evening.

Mr. HENLEY said, he understood the third reading was fixed for Thursday.

Lord JOHN RUSSELL said, the Oxford University Bill stood for that night, but he had no objection to fix the third reading of this Bill for Friday. He regretted, however, that the Bill had not advanced as he expected, and as it would have done but for the obstructions thrown in the way.

Mr. HENLEY said, the noble Lord was not justified in making that statement, as there had been no disposition shown by him or those who sat near him to obstruct; indeed, if they had chosen, they could easily have prevented the Bill advancing a stage on Saturday, instead of which he had suggested a course which might save time.

Lord JOHN RUSSELL said, he did not wish to cast any imputation on the right hon. Gentleman of waste of time.

Lord ADOLPHUS VANE TEMPEST said, he wished to ask the noble Lord whether he meant that expression to apply to him? If he did, he was much surprised. He entertained conscientious objections to the Bill, and, therefore, while he was in the House he should not be deterred by the observations of the noble Lord, or any hon. Member on that side of the House, from expressing his objections.

Lord JOHN RUSSELL was understood to say there was no objection to the noble Lord's expressing his objections so long as he confined himself to the question.

THE QUEEN'S MESSAGE—SUPPLY—VOTE OF CREDIT.

Order for Committee read.

House in Committee.

The Queen's Message read, as follows—

"Victoria Regina.

"Her Majesty, deeming it expedient to provide for any additional expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of Russia, and relying on the experienced zeal and affection of Her faithful Commons, trusts they will make provision accordingly." V. R.

Lord JOHN RUSSELL: Mr. Bouverie, I rise for the purpose of asking the Committee to agree to a Vote of 3,000,000*l.* in Supply, usually denominated a Vote of Credit. In performing this task, I think it quite unnecessary to travel through the negotiations which preceded the breaking out of hostilities, or to the causes of the war in which we now find ourselves engaged. I am ready to acknowledge at all times the willingness with which this House concurred with Her Majesty in recognising the necessity of undertaking that war, and the readiness with which it has granted the supplies which have been asked for by the Ministers of the Crown. I have likewise to acknowledge that—having at the commencement of these hostilities stated to the House that it would tend greatly to impede the public service if questions were asked from time to time with respect to the mode of carrying on the war—the Members of this House have been remarkably forbearing in putting questions which might have embarrassed the Government with respect to the conduct of naval and military operations. I have therefore, in the first place, to return the thanks of the Government to this House for the support we have received in the arduous task which we have had to undertake; and, in the next place, I have to state that—which, indeed, is well known to the House—that large expeditions have been fitted out; that, with regard to our Navy, two large fleets of Her Majesty occupy the Baltic and the Black Seas—that they are undisputed masters of those seas, and that the enemy has not ventured to come out of their ports to encounter Her Majesty's arms in either of those seas, which have been hitherto considered as the peculiar domain of the Russian navy. While it must be admitted that this circumstance is gratifying, it no doubt would have been more gratifying to our gallant seamen if they had been able, in fair battle, to measure their prowess against that of the enemy, and to have reaped some of those laurels which have been so amply the share of our forefathers. But, Sir, I may perhaps be allowed to state, somewhat more in detail, the increase which has been made to our naval force in consequence of the Votes of this House since the beginning of the year 1853. Under the head of first, second, and third rates, of steam-vessels we had, on the 1st of January, 1853, only one; on the 1st of July, 1854, we had seventeen. With respect to sailing line-of-battle ships, we had in January, 1853, eleven; we have now eighteen. Therefore, while the steam-vessels of war have increased from one to seventeen, the sailing vessels have increased from eleven to eighteen. The whole number of steam-vessels, which were then 100, are now 139, and the sailing vessels, which were 109, are now 120; and the total number has been increased from 209 to 259. The seamen afloat have also been augmented from 28,189 to 47,595, and the marines from 5,721 to 9,605; so that the total force of these services, which, on the 1st of January, 1853, was 33,910, is now 57,200. With regard to our Army likewise, we have been enabled, by the great exertions which have been made, to place on the Turkish shores a military force exceeding 30,000 in number, a great part of which was lately at Varna and its neighbourhood. I shall, of course, not notice in this House the various criticisms that have been made with respect to the operations of our fleets and armies. As I have already said, great forbearance has been displayed on this subject. The operations of the war have, on our parts, but just commenced, and no person who is acquainted with naval and military operations would agree in those remarks that have been made, depreciatory either of the conduct of any of our admirals or that of any of our generals. But it is impossible not to notice in this place, that while our exertions have been directed to making preparations for war, that ally whom we went to succour—the Turkish army—has performed acts of valour and prowess which are deserving of the highest admiration. In the course of last year, when negotiations were in suspense, it was frequently represented that if we went to the assistance of Turkey we should be extending a useless aid to a decaying State—that we should be seeking to raise an empire already fallen; and, to refer to the language of the Foreign Minister of the Emperor of Russia, it was said, and said by him no later than at Olmutz, that it required but a filip from the Emperor of Russia to overthrow the whole Ottoman empire. So far is it from this being the case that we find the Emperor of Russia, having occupied the Principalities at first with only a small force, and having devoted a whole year to preparations with the avowed purpose that in the month of May in the present year the operations of the campaign would begin with the siege and capture of Silistria, the Russian army which crossed the Danube for that purpose (whose numbers, though not reported at first with specific accuracy, are now stated to have amounted to 80,000 men), have been driven back and repulsed from the outworks of that fortress; and after a siege in which feats of valour were performed worthy of the greatest examples of siege operations either in ancient or in modern times—worthy of Saguntum or of Saragossa—the Russian army has been compelled ignominiously to abandon that object of their attack. Although I have it not in my power to recount any actual operations of war, one circumstance has taken place of too much importance to be passed over in this cursory notice of the present situation of affairs. It was thought by many persons that, however motives of policy might induce the Governments of England and France to combine in an alliance against the aggression of Russia, yet that the wars in which the two nations have so frequently been engaged had left such feelings of national animosity that the two countries could not be induced to any cordial mutual co-operation either by land or sea. We have seen, however, not only the armies of the two nations combined in the neighbourhood of Constantinople with the most friendly feelings, but we have also seen within the last few days a considerable French military force embark on board English line-of-battle ships:—in short, every circumstance that comes under our observation indicates that nothing can be more cordial and friendly than the feeling displayed by the armed troops and seamen of the two nations. While it is impossible not deeply to regret the interruption of peace, still I must say that the establishment of such cordial feelings between two nations which have so often encountered each other in arms, and whose history teems with accounts of many a well-fought field on either side—the establishment of cordial feelings with a nation so near and so powerful as France, is in itself a great security for the future maintenance of the amicable relations between the two nations whom we should ever wish to see united.

In referring now to the present state of affairs, and the necessity which exists for this Vote, I shall refrain altogether going into any details as to the services for which this large sum may be required. With the plan of operations undertaken in Turkey, the Commissariat expenses may amount to a very considerable sum; the Ordnance expenses will also, no doubt, be much greater than they have hitherto been. Some expenses must likewise be incurred for the Navy and for transports — especially for the later operations — which have not been included in any of the Votes which have passed this House. But it is quite impossible to frame anything like a clear estimate of what those services may require, as they will greatly depend upon the nature of the operations which our admirals and our generals may think fit to undertake. Under these circumstances I feel it would not be consistent with our duty to go into any particular estimates with respect to the application of the sums for which I have now asked. Speaking generally, I should think, so far as we can at present foresee, that nearly 2,000,000*l.* will be absorbed in the services to which I have alluded. But we may have other calls upon the resources of the nation, and more especially, among other things, a question has been raised, or rather suggestions have been made, that a large body of Turkish troops might be joined with our Army, and receive pay from the British Government. That is one way in which it may be thought fit to apply part of the resources which I have named; but I avowedly ask for this Vote with the view that Her Majesty's Government may apply the money from time to time for services rendered necessary by the prosecution of the war. I ask the Vote confessedly without an estimate, on the ground that as the usual time of the prorogation of Parliament has nearly arrived, we may be enabled, while Parliament is not sitting, to direct the resources with which we ask you to intrust us to the attainment of such success as may lead to an honourable peace.

I shall now touch upon two other points, and shall do so because, it being near the time of the prorogation of Parliament, I think it is fitting to give to this House as much information as, consistently with the public duty of the Government, I may be able to afford. When I addressed the House last year, nearly at a similar period to the present, and stated that negotiations were then proceeding, I was above all careful not to say anything which would tend to disturb the train of those negotiations or to diminish in the least degree the chance of their success. We are now more certainly at liberty in that respect, and our exertions must now be undisguisedly directed in a different manner to the attaining by the force of our arms and the strength of our alliances that just and honourable peace both for Turkey and for ourselves which we have been unable to procure by our negotiations. In adverting to the present state of Europe, every one is naturally anxious to learn what will be the part taken by Austria on this very important question. I have always maintained that whatever might be the interest of

England and France in defending and protecting Turkey, the interests of Austria were much greater. It is impossible to conceive of the Emperor of Russia, if he should succeed in what must now be considered as his designs, namely, the effective control, if not acknowledged dominion, over the Principalities, and an increased and predominant influence in Turkey, without his having at the same time a complete command over the Government of Austria. I cannot conceive how the independence of Austria could be maintained if Russia were to extend her power in the way in which she now evidently intends to do. But in order fairly to consider this question, it is necessary to bear in mind the difficulties with which Austria must have to deal, now that upon more than one side of her empire the Russian armies can approach to no great distance from her capital; and that it would have been imprudent in her to commit herself to arms against Russia unless she had been fully prepared. We must also remember that with regard to two of the kingdoms submitting to her sway, those kingdoms have been in very recent years so greatly disturbed as to make the peril of entering into hostilities greater than it would have been had no such state of things existed. It has, therefore, been the policy of Austria, while declaring that she concurs with us in our objects, to attempt as long as possible by negotiations to obtain a settlement of the question in dispute. Austria has more than once declared that the principles which Her Majesty's Government has laid down, and the objects which Her Majesty had in view, meet with her full approbation; but that she does not despair of Russia evacuating the Principalities and agreeing to terms of arrangement which would secure the maintenance of the balance of power in Europe. Very lately Austria has sent to the Emperor of Russia a message—which has been published in the newspapers within the last few days—asking Russia to evacuate the Principalities—asking her to fix a time for that evacuation at no remote period. With this message Austria transmitted to St. Petersburg the protocol of April, agreed to at Vienna between the Four Powers, in which it is declared that the object of the Four Powers was, that Turkey should be attached to the system of Europe; that that kingdom should form part of the general balance of power in Europe; and that arrangements ought to be carried into effect by the general consent and concurrence of the other Powers of Europe in order to obtain that settlement. An answer has been received from the Government of Russia—an answer which, for my own part, I should hardly call evasive—but which pretended in some sort to be a compliance with the request of Austria. But in the first place Russia does not profess herself ready to fix any time for the evacuation of the Principalities. She declares in effect, that now that war has been declared, that now that the English and French are engaged in hostilities against her, and are superior to her in the Black Sea and in the Baltic, where her fleets do not leave their ports, that there remain only the seat of war in the Principalities and the neighbourhood of the Danube where she can hope to restore the balance, and by the success of her arms obtain victory for herself. She therefore declines evacuating the Principalities. She declares, to be sure, that she is ready to adopt the principles contained in the protocol of Vienna of the 9th of April, those principles being plainly declared to be the evacuation of the Principalities, the granting of privileges and rights to the Christian inhabitants of the Sultan by the Sultan, in such a manner as to ensure these rights; and likewise that a treaty or convention should be entered into between the Four Powers and Turkey assuring those rights. Now, without criticising this reply, there is this objection to it, which all those who have read the protocol will readily admit to be a fair one, and that is, there is a complete omission of that which is the essential part and foundation of the protocol—namely, that Turkey should in future form part of the general system of Europe. That question is the one which is at the bottom of the differences on which Russia and Turkey were engaged in the last war; it is the foundation of the war in which we find ourselves at present engaged. Ever since the victories of the Empress Catharine, the Government of Russia has considered the relations between Russia and Turkey so peculiar that Turkey could not form any alliance with other Powers except with the general supervision of Russia, and that, the greater part of the subjects of Turkey being Christians, they were to look to the Emperor of Russia as their protector and supporter, in spite of and in contradiction, if need be, of their own Government. The object of the Four Powers is, on the contrary, that the Sultan having the right, which he has exercised, of confirming by solemn acts the privileges of his Christian subjects, should be admitted to form part of our general system, should be permitted to govern his own people by the exercise of those sovereign rights which belong to sovereignty in itself, and, forming a part of the general system of Europe, should not look for protection solely to Russia, but should look to the Powers of Europe, singly or united, to maintain him, as they maintain the other States of Europe in their possession. Such, however, being the answer which the Emperor of Russia has given, the Government of Austria—which had informed us of what they intended to do in each of three cases—namely, of the reply being affirmative, negative, or evasive—has considered this reply as evasive, and has asked the Governments of England and France to communicate to her what is their opinion of the proposal which has thus been made. I should have said that not only does the Emperor of Russia require that England and France should be parties to any arrangement by which the Principalities should be evacuated, but that an armistice should be concluded by which we should not by our troops or our fleets in the Black Sea—and I suppose in the Baltic—attack his troops or his fleets while he is evacuating the Principalities. Our answer is, that we cannot admit that this proposal of Russia affords any grounds for peace, and that we must continue to obtain by the force of those armies and fleets which are already engaged in the war such conditions as we may deem necessary for a just, an honourable, and a safe peace. With respect to Austria and the part she may take when she knows our answer, all I can say is, that, although she might be mistaken as to her policy—although I think she has been mistaken in not joining sooner and more frankly with the Western Powers in endeavouring to curb the ambition of Russia—I cannot believe she will forfeit the engagements into which she has entered. Austria has entered into engagements, not only with the Western Powers, but with Turkey. She has declared to the Western Powers, that if the Principalities are not evacuated by Russia, she will use forcible means in order to compel their evacuation. She has stipulated, in a convention with the Sultan of Turkey, that she will endeavour to secure the evacuation of the Principalities by negotiation; but if these negotiations should fail, then that she will resort to other means, and that she will be ready to furnish the number of troops necessary for that purpose. I conceive from these declarations and by these engagements that Austria will be bound to take part in the attempt to drive back Russia from the unjust aggression which she has attempted. Whether Austria may act with that hesitation and delay which have been unfortunately already prolonged too much, or should attempt to gain from St. Petersburg some better and some more satisfactory assurances, I am unable to say. We have, of course, no control over the councils of the Emperor of Austria. With respect to the policy of Austria I have no doubt; neither have I any doubt that she will honourably fulfil her engagements; but, with the difficult circumstances which surround her, with but a poor half-and-half support from the kingdom of Prussia—that she may think it necessary to attempt once more to obtain a favourable answer to her representations at St. Petersburg I cannot say. I have stated this much in order that the House may be in possession of the actual facts of the case so far as I can afford the information. I have stated some things which have not recently taken place, but have also stated the answer which we propose to give to Austria. There has been as yet no formal communication from the Court of Austria on the subject of the answer of Russia; I am, therefore, only speaking of what is contemplated and intended by the British Government when that answer shall have been received.

But, Sir, I think it fair to the House, though on a former occasion I refused, and must refuse now, to bind the Government in any way with respect to the conditions of peace to which Her Majesty's Government would agree, because the conditions of peace must always depend upon the state of the belligerents at the time when negotiations are entered into—yet I think it is fair that I should state what I think is the nature of the conditions which I consider would be absolutely necessary to justify us in assenting to any treaty of peace with Russia. While the negotiations were going on last year, if the Sultan's Ministers had thought proper to advise him to agree to the Menchikoff note, or if at a later period they had advised him to agree to the Vienna note without alteration or subsequent explanation, I believe the people of this country, seeing that the Turkish Government was satisfied to enter into these engagements, and to take the assurances thus offered, would have been well pleased that no war should have broken out, and that the continuance of peace, for a time at least, should have been secured. But the Turkish Government having failed to accept those terms, and having declared that the proposed conditions threatened the independence of Turkey—having refused at all risks and at all hazards, while her alliances were uncertain and her forces were considered by no means equal to those of Russia, to yield to conditions which she thought ignominious, her position is now entirely changed. We are engaged in war—engaged in support of Turkey, with the view of defending her from aggression, and it behoves us to see in any treaty of peace which we may make that we do not leave Turkey in as bad a condition as, or possibly even in a worse condition than, when we promised her our succour and assistance. Let the House consider for a moment what are the dangers to Turkey of a treaty of peace similar to those which existed previous to the continuance of this war. That question has been elucidated by the very clear and masterly despatch of the noble Lord now at the head of Her Majesty's Government, written soon after the Treaty of Adrianople was signed. I intend to read but one passage from the despatch; but that document is one which exhibits those dangers in the strongest light. The despatch states—

> "The modes of domination may be various, although all equally irresistible. The independence of a State may be overthrown, and its subjection effectually secured, without the presence of a hostile force, or the permanent occupation of its soil. Under the present treaty the territorial acquisitions of Russia are small, it must be admitted, in extent, although most important in their character. They are commanding positions far more valuable than the possession of barren provinces and depopulated towns, and better calculated to rivet the fetters by which the Sultan is bound."

The despatch goes on to show in what manner this power is secured to Russia. For many years—five-and-twenty years—Russia was content, without any increase of territory, and without bringing her augmented influence to the arbitrement of war, to rest satisfied with the conditions of the treaty. These conditions gave very great power to the Emperor of Russia; and now that the position has been changed it behoves us to consider, not the securities into which he had entered under the Treaty of Adrianople, but the securities which may be had from a Power having had the advantages of the Treaty of Adrianople, and having, moreover, the will and the disposition to push those advantages to the utmost, and to extend her influence even to the subjugation of Turkey. Now, Sir, I say we are justified in so considering the question, because, in the first place, the occupation of the Principalities by Russia was effected under the most flimsy pretences. In the next place, we know, from correspondence which has been produced before the House, that the Emperor of Russia had a fixed idea in his mind that the empire of Turkey was about to fall, and that her neighbours were justified in securing a part of the spoil to themselves. We know more particularly that the possession of those provinces of Wallachia and Moldavia by Russia, under the title of a protectorate with nominal chiefs, was a part of the scheme which the Emperor of Russia had formed in his own mind. We know, moreover, that after a long reign—exhibiting, I must say, great forbearance in many instances of temptation—forbearance in not interfering with the affairs of other nations of Europe—forbearance in not attempting conquests—of the two parties in Russia known by the names of the German party and the Muscovite party, the latter has recently obtained the sway, and that it is the fixed plan and purpose of that Muscovite party to establish what is called a Southern Russia, and that the seat of that Empire of Southern Russia is to be Constantinople—I say, with the knowledge of such a state of affairs, we ought to endeavour to obtain valid securities against acts of aggression similar to that which has so recently taken place. I hold, therefore, that it is impossible that the arrangements which were made by the Treaty of Adrianople with respect to the Principalities shall again be renewed—arrangements which gives the Emperor of Russia a predominant voice in the political affairs of Wallachia and Moldavia—which gives him the power of control in cases where he thinks the affairs are not conducted to his satisfaction, and which, by the destruction of all the Turkish fortresses, gave him facility at any moment for occupying with his army the two provinces, containing 4,000,000 of inhabitants. I say that the integrity of Turkey and the balance of power in Europe could not be secured by reverting to the *status quo ante bellum*, which would confirm such arrangements as regards Russia and Turkey. But, Sir, there is another mode in which the position of Russia is menacing to the independence and integrity of Turkey; the establishment of a great fortress, prepared with all the combinations of art and science, made as impregnable as it is possible for art and science to make it, and containing within its ports a very large fleet of line-of-battle ships, ready at any moment to come down with a favourable wind to the Bosphorus—that I consider is a position so menacing to Turkey, that no treaty of peace could be considered safe which left the Emperor of Russia in that same menacing position with respect to Turkey. I have thought it right to state, not the particular, but the general view of the Government with respect to the securities which we ought to obtain. What these special securities should be, in what manner they should he gained, and how they should be affirmed, is not a subject upon which I think I can go further than I have already done. I believe we shall be ready, as we have been ready, to communicate with the Government of France on this subject. I have every reason to believe that the views of the Government of the Emperor of France coincide with our own in this respect. We shall be ready to communicate also with the Government of Austria when it wishes to know our opinion with respect to such a settlement as in our opinion would be alone secure, honourable, and just. I must say—and I say it with regret—that with regard to those securities, I see no symptom of the Emperor of Russia at present being disposed—I will not say to grant conditions such as I have hinted at, or to give securities such as I have said are in our opinion desirable—I cannot see that he is disposed to depart in any respect from those demands which, when made by Prince Menchikoff, were indignantly rejected by Turkey. In the great acquisitions which have been made by Russia from the time of the Empress Catharine, the same course of policy has uniformly been pursued. It was the adoption of this course of policy which at every treaty of peace secured to Russia increased territory. The Treaty of Kainardji secured —I will not say "secured," but—stipulated the independence of the Crimea. The following treaty and the following war made the Crimea a Russian province. Bessarabia has been added lately, and combined with it the command of the Danube in such a manner that Russia has been able to impede and obstruct the navigation of that great and important river—then followed the Treaty of Adrianople. At each step she has weakened Turkey; she has kept Turkey in that situation in which, without giving immediate alarm to Europe, she could dictate at Constantinople. Late years have seen a considerable change in the government of Turkey. I will not say that change has extended to all the interior, or to all the pashas and governors; but the Government of Turkey has seen that there are new and improved modes of government, consisting in dispensing equal justice to all her subjects, whatever might be their religion, which might make Turkey stronger as a Power than she had ever been while her power rested upon the ascendancy of the Mahomedan race, and the subjection and degradation of every other race. These great improvements in Turkey have excited the jealousy and apprehension of Russia. You will see that in no case has the Government of Russia, which has always pretended to be anxious for the extension of the privileges and the promotion of the good of the Christian subjects of Turkey, been favourable to those amendments and enlightened reforms which the Government of Turkey has carried out. On the contrary, the language of Russia has always been, "Turkey must fall unless her ancient Mahomedan maxims are kept in force—Turkey must fall unless her ancient Mahomedan system is kept up in full vigour—Turkey must fall unless the separation between the Mahomedan and the Christian population is duly preserved and strengthened." Such being the language of Russia, who can doubt what is the ultimate object of that Power. Going from step to step, augmenting her territory, increasing her influence, alienating the Christian subjects of the Porte from their allegiance, her final and ultimate object—which was commenced about the middle, or perhaps before the middle of the last century, and which may not be carried out for some time to come—must be the subjugation of the Ottoman empire and the absorption of a great part of it in her own dominions, while other portions which would remain nominally independent, would in effect be dependent upon her influence and her authority. Such a state of things would be so dangerous to Europe, that we, on our side, must not stop till we obtain some security against such a consummation being reached. She, on her side, I have no doubt, will not stop till she is assured by the events and by the calamities of war, by such repulses as she lately met with at Silistria, and by other and more formidable losses and discomfitures, that the great project of her ambition cannot be executed against the consent of Europe. It is in this mighty contest that Europe is engaged; and I think I should be deceiving this House if I were to tell them that, engaged with such an enemy, with a Sovereign of immense power, of great influence, and of great talents, we may hope for a speedy termination to such a contest. But of this I am sure, that if we were to shrink from that contest—if we were to patch up a peace which would be hollow and insecure, we should lose our Allies, we should lose the confidence and respect of Europe, and Russia would be placed, not in the position which she held previous to the breaking out of hostilities, not in the position which she held from 1829 to 1853, but in such a position that the Emperor of Russia would then justly be called that which by some of his courtiers and flatterers he has been already called—the arbiter of the destinies of Europe. It is our business to prevent that consummation. To prevent that consummation this House has willingly and almost unanimously, not only voted immense supplies, but has been content to forego those blessings of peace which were never more rightly called blessings than during the last few years. We have been willing to forego many advantages to our commerce, and many political and social improvements which might be delayed; but having made these present sacrifices for this great object, let us, at all events, take care fully to secure that object; let us see that, while we can trust with implicit confidence in the gallantry of those men who are placed at the head of our fleets and armies, no weakness in the councils of this kingdom shall prove that those councils are unworthy of the soldiers and sailors whom we have sent to fight the battles of their country on remote fields and on distant seas.

Sir, I have one word more to say with regard to the Vote which I shall put into your hands. I have been informed since I came into the House that it is the intention of an hon. Member to propose in some form or other—I care not in what form—some restriction upon the authority of the Crown with regard to the prorogation and with respect to the reassembling of Parliament. Sir, it is better to say at once that while the right hon. Gentleman opposite the Member for Buckinghamshire may be fairly entitled to contend in argument that it is expedient to have an autumnal Session, and while it may be the advice which the Ministers of the Crown themselves may give that Parliament should again meet in the course of the autumn, still it is not the part of the Ministers of the Crown to accept at the hands of Members of this House restrictions on their freedom in giving to the Sovereign such advice as they may think proper. Circumstances may make it very advisable to meet Parliament again soon, looking to the state of Europe or to new alliances that we may form; but, on the other hand, there may be circumstances in public affairs which would induce the Cabinet to think such a meeting inexpedient. We must be left at full liberty to give such advice as the circumstances of the times, at the time, may seem from us to demand. At the commencement of the century the Coalition Ministry of Lord Granville and Grey were asked by the Sovereign to bind themselves as to the advice which they might give him with regard to a particular measure to which he felt the strongest repugnance. Lord Granville and Lord Grey said that it would be unbecoming in them, as the advisers of the Crown, to bind and fetter themselves by any such engagement. The engagement which those noblemen refused to enter into with the Crown, we must refuse to enter into with the House of Commons. We must, as I have said, be at full liberty to give such advice to the Crown as we may think proper at the time. If we merit at all the confidence of this House—if we are to be intrusted with the disposal of the vast resources of this country — if we are to direct this great war, and negotiate with the Powers of Europe—we must be unfettered as to the time at which we may advise Her Majesty to take the advice of Parliament. There can be no unwillingness on our part to call for that advice, because we have experienced the support and the strength which, during this Session, we have derived in the face of Europe from the unanimous—the nearly unanimous—opinion of the representatives of the people. Anything that happened or was said before the meeting of Parliament might have been represented, and not unnaturally represented, as the impulse of a single meeting, or the opinion of a single individual; but the voice of Parliament could not be mistaken. That voice has pronounced that we are engaged in a just and necessary war, and I am sure it will equally declare that that war is not to be concluded but by a just and honourable peace. Sir, I beg to place the Vote in your hands—

> "That a sum, not exceeding three millions, be granted to Her Majesty, to enable Her Majesty to provide for any additional expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of all the Russias."

MR. ALCOCK said, that notwithstanding the readiness of the House of Commons to vote vast supplies, there was a large portion of the people who believed that the Government had not conducted the war with becoming vigour. There was a general impression abroad that the way to cripple the power of Russia, and bring her to terms, was not to operate on the banks of the Danube, or in Asia, but to attack the Crimea, and take possession of her fleet in the Black Sea. Such was the opinion, among others, of M. Drouyn de Lhuys, Lord Lyndhurst, and the *Times* newspaper. It was also the opinion of General Macintosh, an officer of high reputation, who had lately published a book on the subject. But what did Lord Aberdeen say? He said, "I will not attack the Crimea at all. I don't intend to touch the Russian fleet in the Black Sea." These were not his exact words, but they expressed accurately enough his intentions; and only a short time ago he stated in another place that his object was to push the English army forward to the Balkan Mountains, with a view to encounter the Russians on the Danube. If such were really his recommendation, nothing could more clearly prove that he did not wish to attack the Crimea or any of the vulnerable parts of Russia. For what purpose had he sent out a cavalry force at an expense equal to one-half of the whole cost of the war up to the present time? Not surely to act against Russia in the Crimea, where alone she could be attacked with effect, because General Macintosh said that no cavalry were wanted in the Crimea, inasmuch as there was a Circassian cavalry force in the neighbourhood which might be employed at little or no expense, and which was equal, if not superior, to any regular cavalry in Europe. General Macintosh was of opinion that 150,000*l*. or 200,000*l*. distributed among the Circassians would enable them to assist effectually in the great object of attacking the Russians in the Crimea. So also with respect to the Persians, who might readily be induced, by a gift of 100,000*l*., to send an army of 40,000 or 50,000 men to assist the Turks, and drive the Russians out of Georgia and Armenia, thus rescuing some of the finest countries in the world from the clutches of an ambitious and despotic Power.

MR. BANKES said, that as one of those Members who had certainly not interrupted the Government during the progress of the war, he thought the present a fitting occasion to offer a few remarks. The statement of the noble Lord appeared to him to be, on the whole, of a satisfactory character; but he feared the noble Lord spoke his own sentiments only, not those of the Cabinet. The noble Lord had said, he understood there was some Member of the House whose intention it was to offer a proposition binding the Government to call Parliament together again in the autumn, and he added that he thought such a proposal would interfere unduly with the prerogative of the Crown. He (Mr. Bankes) knew not if any Member intended making such a proposition, but it appeared to him very desirable that there should be an autumnal Session, and he did not see why a respectful Address might not be presented to the Crown upon that subject, without in any way trenching on the Royal prerogative. The noble Lord had himself admitted, that he had hitherto found in the support of the House of Commons a tower of strength in the prosecution of the war; that tower of strength might be wanted again in the autumn, and might be found as beneficial then as it had been before. The noble Lord had made one remark, which appeared to deserve special notice. The noble Lord had intimated that a subsidy would probably be asked for our allies, the Turks. Now he (Mr. Bankes) was far from saying it would be improper to encourage the action of that brave people in this way; but after all they had heard in this House about the days of subsidies being at an end, this must be looked upon as a very important point, and it was one upon which he could not but think the Government ought not to enter without the immediate counsel of the House of Commons. When they were told of the vacillating conduct of the Court of Vienna, he would like to ask the noble Lord whether he was quite sure Austria was not waiting for a subsidy? And if she were, whether the noble Lord was inclined to show such an indulgence to that

Power as well as to the Turks? However disposed he might be, under the peculiar circumstances in which Turkey was placed, to be induced, by such arguments as might be brought forward by the Government, to accede to a proposition which should lead that gallant people still to continue the struggle which up to this time they had so gallantly maintained—however disposed he might be to such a course as respected Turkey, with regard to Austria he could hear of no such proposition with any degree of patience; and therefore he thought it would be most inexpedient for the Government in any way to sanction the principle of subsidies, without first procuring the sanction of the House of Commons. There were, then, in his view, many reasons why Parliament should not meet later than November; and it would be no attack upon the prerogative of the Crown, if that House should intimate that the condition of the country was such, either as regarded its internal or its external relations, that they humbly submitted to Her Majesty it was not desirable she should release Members from their duties for any considerable period. If such a proposition were made, so as not to assume the form of any attack upon the prerogative of the Crown, or upon the conduct of the Ministry in carrying on the war, he avowed that he should be very much disposed to accede to it. We were bound to remember that the people of this country had great confidence in that House, and, because they entertained that confidence, had hitherto gone with it in the course taken upon this question. If, however, that House were not sitting during many months, when the pressure of the war taxation was beginning to operate, the people might begin to doubt whether it was expedient at such a cost to maintain the bravery of a falling nation. Deeply should he regret if these sentiments should supersede the more generous ones which ought to animate this nation; but, when they remembered the extension of the income tax to classes hitherto exempt, he thought it would be generally conceded that there was great danger of dissatisfaction springing up among the constituencies, unless their representatives were sitting prepared to answer for their conduct, and to give explanations of the line of policy which it might be thought proper to pursue. With regard to the operations of our land and naval forces, the nation at large would be better satisfied to wait for the striking of some great blow, if those who were the accredited guardians of the State were here to answer any charges which might be brought against the Government. Although the House had sanctioned and willingly agreed to the very large demands hitherto made upon the people, the people, perhaps, might not be entirely satisfied, even up to the present moment, with the mode in which the money had been expended. It might seem minute criticism, but with regard to that arrangement which was made the other day—he meant the establishment of the new office of Minister of War—he was bound to say that the public were very far from being satisfied. They considered that a very unnecessary degree of expenditure had been fixed upon the country, perhaps for ever. Granted that it might be right to have a new office of Minister of War, was it necessary to continue that of the Secretary at War also—was it necessary to make that multiplicity of arrangements which had been made for the purpose of effecting that which appeared so simple an object? In his opinion, the right hon. Gentleman the Secretary at War (Mr. Sidney Herbert), whose able speech upon the subject of the new arrangements showed his practical acquaintance with every detail connected with his office, should have been appointed the new Minister, and in that case an unnecessary charge would not have been laid upon the country. When he was told that it would be trenching on the prerogative of the Crown to intimate that Parliament should meet again in the autumn, he must be allowed to say that there had been occasions when the Opposition did not consider it trenching upon the prerogative of the Crown to exact such conditions. What was the case as regarded the Government of my Lord Derby? The history of that period was not so far back that we should forget it. That noble Lord was forced to give a pledge, or something approaching to it, that after the dissolution of the Parliament of 1852, the House should again assemble in the November of that year. It did assemble, and on these grounds—It was said, "You are a new Government—you have not had the opportunity of stating your principles, or the line of policy you will pursue." At that time it was not considered trenching on the prerogative of the Crown to require that the new Parliament should meet for that purpose—and a very legitimate purpose it was. How stood the case now? We had not a new, but a coalition, Government, formed of very discordant materials—at least they were once discordant, but whether or not so at present the secrecy of the Cabinet would not allow him to say, though it was occasionally evident the harmony of their course was not always uninterrupted. They had heard different language used by the Minister in this House from what had been used by the Prime Minister in the other; and therefore he thought they were justified in expecting that, as Lord Derby was required to meet Parliament in November, so, also, should Lord Aberdeen, that the country might know from time to time the principles on which this important war was being conducted. The strong and explicit language used by the noble Lord (Lord John Russell) was very satisfactory; but how do we know that that very evening exactly opposite language had not been held in the other House? True, they might have some "explanations," some old papers moved for, and things raked up from the grave of oblivion, to show that long ago the noble Lord the Prime Minister was a very sagacious and far-seeing man. But what they wanted to know was as to the present line of conduct to be pursued, what the noble Lord would do, and on what terms and principles he will negotiate peace. The noble Lord (Lord John Russell) had told the House that there must be some great and tangible security for the preservation of peace for the future, that Sebastopol must be denuded of her fleet, and that Turkey must not be menaced by such a stronghold. This was language which the country would hear with very great satisfaction, for he did believe these were the sentiments which were generally entertained throughout the kingdom. The noble Lord (Lord John Russell) could not do impossibilities: but they were assured everything would be done to obtain an honourable peace. But, in another place the noble Earl the Prime Minister might hold out a middle course, and qualify the words of the noble Lord opposite; therefore how could we hope that this war would be short, and that the peace to follow would be honourable? The result would be that we should have neither peace nor war, but be held in a vacillating condition, having all the disadvantages of war without any of the blessings of peace. He (Mr. Bankes) saw, therefore, in this and many other considerations, reasons why it might be a very great advantage, however great the personal sacrifice to Members of this House, however great the sacrifice to the noble Lord and his Colleagues—who, no doubt, wished to get rid of the House of Commons on the "early-closing" system—why it would be very desirable that Parliament should be called together again in the autumn; and, therefore, if such a proposition as had been alluded to were made, clear of any objection as to its trenching upon the prerogative of the Crown, and clear of any matter implying censure of the Ministry, that proposition would have his vote.

MR. HUME said, he should not have addressed the House but for one or two circumstances. The right hon. Gentleman who had just addressed the House appeared to wish it to be understood that the noble Lord had not spoken the sentiments of the Cabinet, but had only been giving utterance to his own opinions. Now, he (Mr. Hume) had certainly understood the noble Lord to state, not his own opinion alone, but the opinion which, at the present moment, was entertained by Her Majesty's Government. Although differences had existed before, he thought it would be a pity that upon so important a question any idea should go forth to the country that there was a difference of opinion in the Ministry now—the head of the Government in one place expressing a certain opinion, and a Member of his Cabinet in this House a different opinion. He should be glad to see the matter put beyond the possibility of question. Unless there was union in council there could be no success in action; and it would not be desirable that it should be supposed that there did exist any want of union. He had heard a great outcry about a Coalition Ministry; now, he (Mr. Hume) saw no possibility of any Government at all without coalition. Let the right hon. Gentleman attempt to form a Government which would give satisfaction to the country and to that House which was not a Coalition Ministry. Times were altered, and he was very glad to see the followers of Sir R. Peel joining the old Liberals in that House, who received them with great pleasure. He hoped, therefore, that what they had just heard from the noble Lord was the joint opinion of the Cabinet, and would be carried into effect. He was sorry to hear his hon. Friend behind him (Mr. Alcock) indulge in criticisms as to the conduct of the war. If the hon. Member were Minister of War, he (Mr. Hume) would be very glad to listen to him on the subject; but when he heard complaints as to the little which was being done, he turned to the page of history—he could find no parallel instance in which so much exertion had been made, and so many troops, fully equipped, sent to so great a distance in so short a time as had been done since the breaking out of the present war. He must acknowledge that when Sir Charles Napier was appointed to the Baltic he was rather afraid that the operations under him would be too rapid and too hasty; but, on the contrary, it now appeared that Sir Charles was a man who could consider before he acted, and, he hoped, when the time came, act with effect. With regard to the question of subsidies—and it was upon this that he wished to call the attention of the Committee—he did not think the advance of money would be a good or a wise scheme. During the late revolutionary war we had advanced 66,000,000*l.* of subsidies, every shilling of which he could show had been misapplied, that they had not tended to advance the object for which they were given, that a vast proportion was wasted, and that the system tended rather to paralyse than to excite the energies of the people to whom they were given. The Turks had now, without our assistance, kept the Russians at bay, and, while the English and French troops had not come into contact with the enemy, they had gained the victories, and to them the honour was due. The Turks had done all this without money from us, and, if we once began to supply them with money, the House must not believe that their efforts would be what they had been. When the Russians were driven from the Principalities, as he hoped they soon would be, the Turks would require less expenditure for carrying on the war, and their empire would, he believed, supply plenty of means. He agreed with the right hon. Gentleman (Mr. Bankes), that he should be sorry to see the granting of any subsidies, even to Turkey, resolved upon by the Ministry without the sanction of that House, for he thought he could see reasons so powerful and so cogent, that the House would never agree to any subsidy again. We went to war in aid of the Turks; let the Turks, then, rouse themselves and collect all the means in their power and all the resources they could command; but let us not begin by offering or giving any hopes of a subsidy. In conclusion, he hoped that upon the Vote asked for by the Government for the further prosecution of the war there would be no difference of opinion, so as to hold out, either to our Allies or to our opponents, the belief that there was likely to be any division on the part of that House, or any want of energy in bringing this war to a satisfactory conclusion.

Mr. KNIGHT bore testimony to the bravery of the Circassians, and to the necessity of giving them an ample supply of arms, and the importance of securing them as auxiliaries in this struggle. That people were thoroughly at enmity with the Russians, and they could give us most efficient assistance in the war. The Circassians were a people who were trained to arms from their earliest childhood—every man was a soldier—and when well drilled could easily be converted into most efficient infantry, riflemen, and cavalry; and he hoped that what had appeared in some of the German newspapers with reference to a rupture in the relations between this country and that nation was entirely without foundation. In his opinion, the best means of enlisting the Circassians in our behalf would be to take Anapa, and to place a Pasha there, and then restore the Turkish rule, for although the people might be unwilling to fight in our behalf, they would willingly fight in behalf of the Turks. With respect to subsidies, he differed entirely from the hon. Member for Montrose as to their being never desirable. When the Emperor Napoleon was at Boulogne the question to be considered was, where the battle was to be fought; and as it was difficult to raise men in England, it became expedient to hire men to fight on behalf of this country, and to choose some other ground than this country itself for the battle-field, and as in that case subsidies had been found necessary to accomplish that purpose, so other cases might occur in which subsidies might be found equally desirable.

Mr. BLACKETT said, he had no doubt the reception given by the House to the remarks the noble Lord had made that night with regard to Sebastopol would be echoed from one end of the country to the other. But the noble Lord had omitted altogether to refer to what had in reality been the main business to which the power of the Government had been directed for the last six months. Great activity had unquestionably been displayed in collecting troops, in equipping fleets, and in forwarding troops and stores to the scene of action; but he thought it must be allowed that those were preparatory measures, and that the whole force of the Government had been directed to diplomatic action. With regard, however, to the operation of that diplomacy, the House was still without any information whatever since the declaration of war was issued. In his opinion, it was a great misfortune that during the last recess the Government abstained from furnishing the public with an account of these negotiations; but since the declaration of war they had only had some papers with reference to the affairs of Greece, and a few legal protocols, which were absolutely unintelligible without some account of their character and bearing, either supplied by diplomatic papers, or, in their absence, by information communicated to the House. He thought that a misfortune, not only to the country, but to the Government itself. He believed they did themselves great injustice by their reluctance to furnish information. He was convinced that that reluctance gave rise to misapprehensions and suspicions which were most probably unreasonable, and tended to diminish the enthusiasm with which the country had entered upon the war, and without which the best and wisest Government would be incapable of conducting a protracted struggle. He felt this so strongly, that he thought the Vote to which the House was now called upon to agree, and in which he heartily concurred, might fairly be made contingent upon a promise on the part of the Government to lay before Parliament papers with regard to their diplomatic efforts, and especially those relating to that centre of activity, the States of the German Confederation. If, in making one or two remarks on the distinctive character of that diplomatic action, he should fall into error, or undervalue the obstacles which the Government had encountered, he must remind the House that the silence of the Government left no alternative but either to vote the money silently as it was asked, or to incur the risk of errors which, under the circumstances, were unavoidable. It appeared to him that the main character of the diplomacy of the Government during the last six months had been an excessive anxiety to secure the alliance of Austria, and a readiness to forego almost every advantage, and to risk every disappointment, provided they were sure of that connection. He thought they could not have better proof of it than in the treaty which the Sultan had been induced to agree to with Austria, authorising the Austrian occupation of the Principalities. He said induced, because, although this country was no party to that treaty, it was idle to suppose the Sultan would have concluded it, except at the instigation, or, at least, with the encouragement of the British Ambassador. He mentioned that point to show the extremity to which the Government would go, and the equanimity with which they would bear any disappointment, to secure the alliance of Austria. Now, what had been the result of that course of policy? The noble Lord said he did not despair that Austria would fulfil all her engagements. It was surely not straining the meaning of the phrase to say, at least, that the noble Lord was gradually losing any sanguine hope that such would be the case. He trusted, at all events, that this treaty with Turkey was not intended to pave the way for the permanent annexation of the Principalities to Austria, and he was convinced no course would be more contrary to the public opinion of this country and of Europe than that Turkey should be robbed of those provinces which she had, single-handed, so gallantly defended. Passing that over, he wished to remind the Government that this Austrian alliance would not be an unqualified advantage, and that it would entail unavoidable drawbacks. There was another point on which the noble Lord had touched very slightly, which, however, required very careful consideration, and that was, what would be the result of an alliance with Austria in regard to the other States of Germany? No one could have considered the condition of Germany without being aware that Her Majesty's Government were practically driven to the choice of an active alliance either with the Northern or the Southern States of Germany, and that it was almost impossible to contract an alliance of great intimacy with the southern group of States without risking the alienation of the northern or rival group of States. That being the case, he thought the House had a right to ask what account the Government could give of the Prussian alliance, and what causes had operated to disturb the cordiality which lately existed between this country and Prussia. He would remind the House that, with the single exception of France, there was no country in Europe whose alliance was so desirable on so many grounds as that of Prussia, connected as that country was with us by the recollection of struggles which had been waged in union against other Powers that threatened the peace of Europe, connected also by religious sentiment, and by all the moral and intellectual sympathies common to both branches of the Saxon race. And when added to that, was the consideration that united Germany, in the absence of Poland, would ever be the best bulwark against Russia, and that Prussia was called to fill the place in Germany which Sardinia filled in Italy, as the source from which all measures of national progress and utility proceeded, it was impossible, he thought, to over-estimate the importance and value of a firm alliance between Prussia and England. They all knew the unfortunate circumstances which had given a complexion of hesitation and timidity to the Prussian councils, but it was notorious that on several occasions during the last twelve months there was a prospect of the liberal and anti-Russian party regaining the ascendancy in the councils of that Monarch. They should recollect there had been circumstances particularly favourable to the exertions of able diplomacy, and he thought Parliament had a good right to call upon the Government to show that they had not created any obstacles in their own way by receiving the propositions of Prussia in a lukewarm manner, that they had not raised up opposition by their ostentatious partiality for the rival Court of Austria, and that it was no fault of ours that the enlightened policy was no longer pursued which had made Prussia for many years the centre of German nationality and anti-Russian feeling, and had been conducted by a series of statesmen ever since the Congress of Vienna. They knew that the alliance with Austria was recommended, as placing this country in opposition to what some persons called the revolutionary, but what he thought might be more justly called the coutitutional and liberal, party in Europe. His conviction was, that throughout these negotiations Austria had been steadily keeping in her eye her own misgoverned provinces, for the purpose of seizing every opportunity to rivet their chains which might be afforded by our indifference or blindness. In the protocol of the 23rd of May was embodied the treaty between Austria and Russia, signed in the preceding April, and guaranteeing to Austria the security of her non-German provinces. By the Federal Act of 1815, the members of the German Confederation guaranteed to each other tranquil possession of the German provinces, but there was no stipulation as to the non-German provinces; so that the German troops might be called in to suppress disturbances at Munich or Vienna; but if Austria had risings in Italy, she must put them down by her own powers; and if she could not keep Hungary in order, she had no resource but to go suing to the Emperor of Russia, as she did in 1849. It was now conceived that Prussia should give a guarantee for the Italian and Hungarian possessions of Austria. He knew the noble Lord would say that we had given no sanction to this guarantee; but he thought there was great reason to fear that if the time should come when German troops should be marched from all points, to suppress liberal movements in Hungary or Italy, Austrian diplomatists would point to the protocol of the 23rd of May, and say, "It is too late to protest against a principle which has already been recognised." He mentioned that as no chimerical or imaginary danger, but one against which he would warn the Government; for he trusted this would prove to be no step towards making this country an accomplice in supporting the Austrian system of Government in southern and central Europe.

MR. COBDEN: Sir, the speech of the noble Lord has, in some degree, converted this discussion into a council of war, because the noble Lord has displayed what I believe to be very bad strategy on the part of a general—by revealing the object of the campaign and the future purposes of the war. It is not I, therefore, but the noble Lord, who is responsible for publicly discussing the conduct and tactics of the war, and if I say anything calculated to discourage the course which the noble Lord seems, with the concurrence, I presume, of his Colleagues in the Cabinet, resolved to take, I can only plead, in excuse of the publicity of this expression of my opinions, that the noble Lord has been doing what I should have thought an unwise and a very indiscreet thing—always supposing that in discussing the point of occupying the Crimea and capturing Sebastopol we are not discussing it after the work is done. The noble Lord, of course, knows better than we do what orders have been given to the commanders and what are their intentions; and if at the time we are speaking an expedition has gone to the Crimea and captured Sebastopol, it is clear it can do no harm discussing the matter here. It is obvious, I think, that supposing the noble Lord to speak the opinion of the Cabinet, very important changes have occurred in the progress of these events. The noble Lord has told us that the war cannot be concluded by the resumption of the *status quo*, but that the Government are determined to take material guarantees for the future peace of Europe by taking possession of the great southern stronghold of Russia. Now, we have one advantage in discussing this question to-day. We need none of us be under that apprehension, that feeling of prostrate panic, in which we have been so long accustomed to speak of the power of Russia. I have never joined in that tone, but I have been very much laughed at because I would not join in it. I have never, in the least degree, feared the aggressive power of Russia, always bearing in mind that there is a difference between the power of Russia for aggression and for defence—because I have ever rigorously drawn a line between those two powers. I have been the subject of considerable ridicule on account of the opinions I have formerly expressed on this subject; but will any one now bring forward the old argument of the danger of Russia overrunning Europe, and reviving the invasion of the Huns and Goths, when this deluge of barbarism has been broken into spray against the mere outwork of a third or fourth rate fortress? Why has Russia shown such impotence in the abortive attempt against Silistria? It is simply because Russia has to march an army nearly a thousand miles—from Moscow to the seat of war—before they come to the field of operations, through almost impassable roads, and without a mile's transit by means of railways. According to the marches of our troops it is a three months' journey from the southern capital to the field of operations; and that accounts for these enormous armies on paper being dissipated and vanishing away before they can face an enemy. Every one who has been in Russia, or who has studied the subject, must be well aware that, however mighty the armies Russia can support when spread over that vast territory which figures as about one-half of Europe, besides a large portion of Asia—that however gigantic her armaments may appear on paper—it is utterly impossible, from the nature of the country and of its population, that her armies can ever be concentrated in great masses on any one point. Take, for example, the case of the battle of Borodino. The Emperor Napoleon had given twelve months' notice of his design, having 600,000 troops and all the Continent at his disposal. Yet, with all the preparations consequent on this long notice, no more than 150,000 Russians could be collected to oppose him, and a large portion of them were clothed as peasants, and only armed with scythes. And every one must be aware, who has seen the villages of wooden huts of Russia, and how rarely the traveller comes upon a town with one stone building in it—with a population so scattered, that if you attempt to concentrate troops, the addition of twenty men in a village for a month would eat up all the surplus provision and all the accumulated capital of the place—that it is impossible to concentrate troops and march them simultaneously on any one road. These difficulties must be apparent to every one, and with this last experiment I hope we have had conclusive proof that there is no fear of Russia marching out of her own territory, and invading and conquering the civilised world. I have said again and again, and been ridiculed for saying, that Russia could not carry on a single campaign across her western borders without coming for a loan; and she has not finished a campaign of the present war before she sues *in formâ pauperis* at Amsterdam, and tries to raise money as a loan. I hope, therefore, that I—and those who hold the opinions that I do—need not talk again on this subject under the fear of having it cast in our own faces that we are the friends of Russia. I wish to look this bugbear fairly in the face; but when I speak of the difficulty or impossibility of Russia invading the rest of Europe, on account of the thinness of her population, the impassability of the roads, and the want of means to support her armies, I give the very reasons why we should not invade Russia. The moment you leave your vessels and the points of supply which you can command, you place yourselves in the same difficulties and the same dangers in which Russia is placed the instant she attempts to cross her own frontier. We come, then, to this question. Knowing these facts, and being fully aware of these difficulties, it seems that the Government are not content with going to war to restore Turkey to what she was, but you will make war on Russia and take possession of a portion of her territory. I take it for granted that the Cabinet mean not merely to go and take Sebastopol—that would be nothing if you came away again—but to occupy the Crimea; and I tell the noble Lord this—unless the thing has been already accomplished, he has been guilty of very great indiscretion, because he has given notice to the enemy that that is the point of attack, and that that should be the point of defence. If the noble Lord has in his possession statements from the commanders of the forces in those regions, telling him that the thing is impracticable—telling him that Sebastopol is another Gibraltar, and that it cannot be taken—if he has heard, and if he believes that—and future times alone can settle that point—then he has committed worse than an indiscretion in what he has said to-night. But in this council of war which we are holding, it is not an unimportant question to ask what is the nature of the climate of the Crimea, and what is the disposition of the people towards Russia. It seems to be everywhere taken for granted that, because the people are Mahomedans in religion and Tartars in origin, therefore they must be disaffected towards Russia, and have sympathy for the Turks. Now, that would be an important element in the chances of success, if it were true. But is it so? I have lately been reading a most reliable book on this subject—Mr. Edmund Spencer's *Travels in the Crimea*—and recollect he is not a defender of Russia—he is as much in favour of a war with Russia as any man in or out of this House. He says that such is the nature of the climate, and so great the danger from fevers in the steppes and valleys of the Crimea during the summer months, that it is almost impossible for a stranger to avoid sickness; and that the Englishmen employed by Count Woronzow complained to him that they were certain to be attacked with fever if they went out in the heat, or if they partook of milk or eggs, or even water, after eating fruit. This was the description of the Crimea by a most competent authority. Now, I have that opinion of the French and English armies, especially when in the presence of each other, and stirred by mutual emulation that I can scarcely conceive of anything which human beings can do that they will not accomplish. But I must remind the House and the noble Lord that against these fevers and diseases of which I have spoken, the strongest and most powerful men will be as impotent as the merest child—nay, they will be still more liable to attack from these diseases. All persons who have travelled in the Danubian provinces tell you, that when on board the steamer the captains intimate to them, as evening comes on, that they had better go below to avoid the river fever. But your soldiers can take no such precautions: they must bivouac in ditches; they must, of necessity, do that which in the case of other men would involve the grossest imprudence; they must expose themselves to every risk, and cannot hope, therefore, to escape disease. I trust, therefore, that this element in the difficulty of the enterprise has been taken into calculation by the noble Lord. With regard to the disposition of the population of the Crimea, I have seen assurances given as glibly as you please that that population is most eager to throw off the Russian yoke, and to return to the allegiance of the Turks. But what says Mr. Spencer on this point? He tells us that, even though the Tartars are willing to acknowledge the Sultan as their spiritual head, they have no desire to become his subjects in temporal affairs, for in all his wanderings over the country he had not met with a single Tartar who was anxious to return under the sway of the Turks. The Tartars would tell him that they preferred the rule of the Emperor of Russia to that of their old tyrant the Turk, because they knew precisely the taxes which Russia demanded from them, but they remembered their flocks and herds were never safe from the grasp of the Turkish pasha. Now, in my opinion, before you take possession of the Crimea and hand it over to the Turks, it is important that you should know the feelings of the population. This is not a mere strategical operation; it is a great constitutional question. In my opinion, you have no right to say to the population of the Crimea, "You must become Turks, or English, or French;" you ought to leave them to settle that question for themselves, for it is against all right to dispose of territory in spite of the will and desire of the population. I would not have said this if the noble Lord had not told us that the Government had made up its mind upon the question; and if I did not believe that the time will come when the noble Lord will be anxious to see that excitement allayed which he, as much as any man in the country, has produced—I mean the time when the absurd expectations as to what is to be done in this war must be disappointed—when the people are to be brought to another tone than that which it has suited statesmen to keep them in for the last six or seven months. The noble Lord will not be sorry, then, that something has been said now calculated to diminish the enthusiasm and the too sanguine expectations that have been raised on the subject by the noble Lord himself. But there is another and a far more important point involved in this question. If I have rightly read the protocol which has been issued by the German Powers in relation to this matter—and it appears they are now united as one—they seem to have laid down this fundamental principle as the basis of their entering into negotiations with the Western Powers—that there should be no diminution of the territories of Russia as a consequence of this war. I understand that Austria and Prussia, and the whole of Germany, are as averse to taking away any portion of territory from Russia as they are opposed to Russia seizing upon any portion of Turkish territory. They stand by the settlement of Vienna, and I take it that the apportionment of the Crimea and of Bessarabia were included in the settlement of Vienna as much as the other territories in Europe. When, therefore, the noble Lord says that England and France mean to take the Crimea from Russia, I warn him that that may be held by the German Powers as releasing them from their *quasi* alliance with us, and may even set them in antagonism to the Western Powers. This will be a source of great future embarrassment to the noble Lord.

But I am anxious now to say one or two words upon another part of the question. Now that there is no longer a chance as to the power of Russia—now that no one any longer entertains a fear that she will overrun the rest of Europe—I think it may be possible for us to pay a little more respect to the rights and immunities of weaker communities; and I am anxious, therefore, to bring under the notice of the House our proceedings with regard to the Christian populations of Turkey. I have not brought down with me the blue books relating to Greece, and therefore the House need not fear the infliction upon them of long extracts from these blue books; but I wish something to be said in this House to show that we do not neglect or forget those who have not the power at present to do justice to themselves. In speaking of the Greek Christians of Turkey, let it be at once understood that I do not raise any discussion as to the kingdom of Greece. I do not defend King Otho, or his Ministers, or his Queen. I admit that all which the noble Lord — all which Mr. Wyse — all which our Consuls in that part of the world have said with respect to the Court at Athens may be founded in truth and justice. I have not a word to say in defence of them—they are not my clients. But I may say a passing word with respect to the kingdom of Greece—and if the creation of that monarchy has not been followed by all the success which so many sanguine Philhellenes expected, I do not think that that is attributable to the Greek people. I am willing to admit that there has been a complete failure in the Greek monarchy, but there has been no failure in the Greek race. They have done more than any other people, sunk for many hundreds of years in most abject slavery, would have done in the same period—they have done far more than enough to justify the good opinion which was formed of them, and to inspire their friends with hope and confidence for the future. When I speak of the Greek race, therefore, I do not mean to speak of the Greek monarchy, that miserable blunder of diplomacy which cut off from Greece the provinces of Thessaly, and Epirus, and Macedonia, the cradle of the Hellenic race—which imposed upon the poorest part of the country and the most devastated by civil war a monarchy, a civil list, an army and navy, a diplomatic corps, and all the paraphernalia of a great and powerful monarchy—which saddled them with a loan of 2,000,000*l.* sterling, of which not more than 20,000*l.* was spent on objects beneficial to Greece. It was not surprising that all this should break down, and that Greece, unable to bear these burdens, should have lost all hope of paying its debts, and should have become the battle-ground of intrigue among the three guaranteeing Powers. The Greeks I wish to speak of are the Greeks who have been left under the sovereignty of the Porte. The Duke of Wellington was in power when the Greek monarchy was founded, and wishing to retain territory for Turkey, he cut off from the Greek monarchy Thessaly, Epirus, and Macedonia, the very cradle of the Greek race. The consequence of the absurd line of demarcation he then made was, that considerable numbers of Greeks from the Turkish provinces had emigrated into the kingdom of Greece, and those who remained had never abandoned the hope that the day would come when they might be able to rejoin their fellow-countrymen in the monarchy of Greece. They believe that they have found this opportunity when they see that Turkey is involved in a war with Russia, and the Greek race under Turkish rule, seizing the opportunity, instantly rose in rebellion. I am not going to deny that Russia, acting through the medium of the Court of Athens, has favoured this insurrection; what I maintain is, that the Greek race under the Turkish rule, having found this opportunity to rise in rebellion, have availed themselves of it as they would have done if Turkey had been involved in a war with France or England, for the Greeks look upon all wars with Turkey as a war in their favour. Now, I will not go so far as to turn round and protest that this is all the secret intrigue and manœuvre of Russia, because the founders of the Greek monarchy cannot exculpate themselves from the charge of being the cause of this movement; they have no right to describe it as being all the work of Russia, or to pretend that the Greek race would not have risen if, instead of the Emperor of Russia, some other Power had been at war with Turkey. The official papers published by the Government, the letters of Lord Stratford de Redcliffe, the communications from our Consuls in various parts of Turkey, all predict that a revolution is about to take place; and even Lord Clarendon, in a letter to the Earl of Westmoreland, distinctly says that in case of a war with Russia the Christians will rise in rebellion, not in aid of the Russians, but in aid of themselves. Well, then, the insurrection thus predicted, and justified by a long course of tyranny, abuse, and iniquity, stated by English authority to have been practised by Turkey against her Christian subjects, having broken out, what is our course with regard to the Christian population of Turkey? The moment that insurrection takes place, we use every means in our power to put it down or discourage it. Our Consuls issue proclamations, our ships of war are sent upon the coast, for the same purpose; we even express a wish that Austria should draw a military cordon round the frontiers, and matters go so far that one of our gallant captains (Captain Peel), being instructed to go to Prevesa, and to assist in putting down the insurrection, demurs to his instructions, and tells the Lord High Commissioner of the Ionian Islands that he does not consider it any part of his duty to put down insurrection in the Ottoman territories. There is, therefore, no doubt that, partly by moral means, partly by means of a more material kind, England and France have succeeded in putting down the insurrection of the Greek Christians in Turkey. But are we not thereby in some degree committed to these Greek Christians? Have we not pledged ourselves to them beforehand that we will see justice done to them? We have it again and again stated by Lord Clarendon and by the other Ministers in Parliament that one of the objects of this war is, that we should secure the rights of the Christian population in Turkey. That may be right or it may be wrong. Lord Derby and his Friends have all along declared that we ought not to mix ourselves up in the internal affairs of other States. I must confess that I am much of the same opinion, and predict that hence will arise one of our future difficulties; but, however this may be, you have involved yourselves in promises which you cannot evade, and having put them down when they rose in insurrection, it is due to that population that the House should feel its responsibilities and see justice done to them according to the declarations they publicly uttered. He would say that on another ground also—that of expediency—this should be done. Let it be remembered that, after all, three-fourths of the population of Turkey in Europe are Christians; and though you may find, in a time of war, that the Turks, who are the only part of the population that are armed, alone fight the battle of the Sultan, yet depend upon it when the time of peace arrives—if it ever does arrive in our day—you will find that you cannot go on maintaining the permanent ascendancy of that race. Mind that the Christians are the sole progressive element in Turkey. I know I am liable to be met with the statement, "See how the Turks have fought." The Turks always have fought well, and it is to be remembered that most of the Turks now in arms are not European Turks—they are brought from Asia, and many of them from Egypt; but what I have always found deficient in the Turks is, not military prowess, but the elements of progressive civilisation. I may be subject to a six months' taunt for the statement, but as sure as I speak from this spot, so sure is it that when the time of peace comes, the Christian population—who are the only progressive population in Turkey, and, without bigotry, I say progressive because Christian—the Christian population of Turkey in Europe will rise into the ascendant in the eyes of statesmen. The Emperor of Russia knows that fact well, and therefore he is constantly appealing to the sympathies of the Christian race—therefore he promises to be their protector—therefore he appeals to their prejudices, if you will, for he knows that eventually and permanently they will govern the destinies of Turkey. Even now all the external commerce of Turkey is carried on by Christians. I can scarcely find a single Turkish merchant in any one of the great towns of England. All the merchants are Greeks, born subjects of the Porte, but all have left their native country and become naturalised in others. The wealth, the intelligence, the prosperity of Turkey in Europe are all the possession of the Greek merchants. I do not mean to say that the Armenian race are devoid of intelligence—they have distinguished themselves as bankers, as architects; but what I mean to say is, that the Greek race, *par excellence*, contains in itself the elements of progress; and this is the people whom you are alienating from your sway. I have no hesitation in saying that, by the course you have taken in putting down the insurrection in Turkey, you have discouraged their attempts to emancipate themselves from the slavery under which they suffer, and you have, in a great measure, put yourselves in a state of antagonism towards the whole Greek race. There is no doubt that we are unpopular among them, and that they are not heartily anxious for our success. But this question of our conduct towards the Christian population in Turkey gives rise to another consideration of great importance. You are now at the beginning of war. You know not how soon it may break out in other localities. What are these outbreaks in Spain, but the mere echoes of the cannon that are fired on the banks of the Danube? Who knows where it may explode next? Faint murmurs have already been heard in Italy; and we all know that very great dissatisfaction exists among some of the largest States on the continent of Europe. I want to know then, once for all—is it to be understood, in case of a war on the Continent, that we are to ally ourselves with the sovereignties and against the nationalities? I ask this with the most perfect fairness and impartiality, because I am against all interference either on the one side or the other. I have proclaimed it over and over again, that I would not go to war to help either the one or the other. But what I want to know is, whether this war is to be carried on elsewhere on the same policy that it has been carried on in Turkey? We have helped to put down the Greek Christians in Turkey, in comparison with whom the Hungarians and the Italians have no grievances to allege against their Governments which could for a moment be set in contrast with the grievances that the Christians in Turkey have to endure, for the Christians in Turkey are not only deprived of all liberty, but of all law. The hon. Member for Aylesbury (Mr. Layard) shakes his head. I put to him this question, Can a Christian in Turkey be a magistrate? can he be a cadi? The hon. Member knows as well as I do that the laws of Turkey are administered according to the Koran, and no Christian could administer law according to the Koran. I want to know, then, whether this same policy is to be pursued towards other countries. No doubt, a great delusion has prevailed in the minds of the people of this country as to the purposes and objects of this war. We have all seen and experienced it. There is a row of hon. Gentlemen below me who have largely shared in that delusion. I know their sentiments. Of course, I do not presume to be the exponent of the opinions of the hon. Member for West Surrey; but we know that the others sympathise largely with Hungary and Italy and the other nationalities. [*Cheers.*] The hon. Gentlemen cheer me. Those hon. Gentlemen who used to be called Young India may fairly be considered as the representatives of the delusion which is shared in by multitudes out of doors. They have all along been under the impression that this war was undertaken in defence of the interests of Hungary and Italy, and other oppressed nationalities. Now, is that the case? We have lately heard an eloquent voice raised among us, giving utterance in the English language, never better expressed, in some of the most populous districts of our country, to the sentiment distinctly declared that this was not a war undertaken in the interests of Hungary, but that it was a war against Hungary, and in the interests of the oppressors of Hungary. Now, is that true, or is it not? I know these hon. Gentlemen are great admirers of the Hungarian chief to whom I have alluded, and they will admit that he is as good a judge of what is for the interest of his own people as they can be, or any one else. Yet that eminent man has declared that this war, as it is at present carried on, is a war to increase the power of the oppressors of Hungary, and to rivet the chains by which Hungary is bound in subjection to Austria. I wish to know the opinion of these hon. and deluded Gentlemen on this matter. I have heard them resorting to a device that is more ingenious than logical—crying out that the Government is not carrying on the war as they ought to do, and that we ought to have another man at the head of the War Department, or for another head to the Government itself—calling out, in fact, for Lord Palmerston, and all this they have done in the interest of the Hungarians and Italians. But what say the illustrious chiefs who are entitled to speak the sentiments of the down-trodden nations to whom I have referred—what do they say on this point? To my own knowledge, the chiefs of Italy and of Hungary have proclaimed it without stint or reserve, that so far from their hopes and aspirations resting on the noble Lord, when the noble Lord had an opportunity of giving these nations moral support—and no more was then asked of him—he would not utter the faintest whisper in their behalf; and if there is any man in the Cabinet whom the leaders of these nations are least disposed to rely upon at the present moment—I speak it advisedly — it is the noble Lord whom these hon. and deluded Gentlemen are constantly calling upon to assume the helm in a war that is to be managed, not for the interests of Austria, but for the interests of Italy and Hungary. I do not say this in disparagement of the noble Lord, for I never asked the noble Lord to go to war, and I do not think that he is the author of the great imposture that has been practised in his name. But there are many who are weak enough to labour under the delusion in the House, and there is a great mass of the people out of the House who are under the impression that the noble Lord when in the Cabinet was constantly and assiduously acting in favour of these nationalities, and that if the war were carried on under his auspices assuredly it would be brought to a conclusion satisfactorily to the suffering people. The delusion has been happily exploded, and that is a most important fact. You have a good deal of popularity with respect to this war amongst the masses. I have never denied that fact, and though I have been called a demagogue, yet I have never stooped to shape my course according to the fleeting popularity of this or that among the mass of the people. Nay, I have to confess that there is so much of stubbornness in my nature that when a popular cry is got up on one side, I am disposed to examine the other, and see if there be any truth in its favour. Well, the delusion has been to a great extent dissipated, mainly, I believe, through those eloquent harangues to which I have already referred—which were listened to by thousands—which have since been extensively read, as they deserved to be, for they are lessons in the English language, though produced by a foreigner—and they have produced a considerable change in the public mind. A day of reckoning must at last come between the Government and the people, as to the objects and purposes of this war. I believe that, when this object has been explained, it will be found that it has not been undertaken in the interests of Hungary and of Italy. I never believed that an alliance formed between Lord Aberdeen, the Emperor Louis Napoleon, and the Grand Turk, could be entered into in favour of revolutionists. That is indeed a delusion which surpasses all the popular delusions that have existed in modern days; but whatever delusion exists out of the House it is always sure to be represented by somebody within its walls. The time will come when this war will be stripped of all the popularity that has been attached to it from the supposition that we were fighting in the interest of nations, and then will come the bald and naked statement that you are fighting to maintain the balance of power. But I do not think that popularity will be long maintained for an object of that vague nature. There has been a burst of enthusiasm in this country because it has been thought that we were going to fight for somebody's freedom. The noble Lord has now made his plunge—it was some time before he could make up his mind to take it; but in stating what were the objects of the war he has used phraseology with respect to Turkey which is rather calculated to discourage those who thought that the people of Europe were interested in the matter. He tells us that we have gone to war for the sovereign rights of the Sultan of Turkey—he spoke of the rights of sovereignty, and that we could not allow any one to interfere with them, the rights of sovereignty of the Sultan, as the representative of all Turkey. Now, I do not think that the people of this country will continue to bear a heavy pressure of taxation only for the purpose of maintaining the sovereign rights of the Sultan of Turkey. The people of this country are too much interested in the independence of nations, and when it is once found that this is a war for the advantage of an individual and a class, it will not long be popular in this country. But are we not in danger of depopularising this war elsewhere? I have been at some pains to get information as to the opinion entertained of this war in America. I am not speaking of the papers conducted by Irishmen. No, they are not Irishmen, because there is one of them at least whom every Irishman must repudiate—the man who goes from Ireland advocating freedom, and settles down in New York advocating black slavery—that man I am sure every Irishman will repudiate. But look at the more respectable journals in America. A considerable change has come over their opinions, with regard to the present war in Europe. No doubt they all agree, as we all agree, that Russia has made an unjust and wanton aggression upon Turkey. But the people of America, like the people of England, had the idea that this war was to lead to a general *bouleversement*, and that out of it something would arise favourable to freedom. But they begin now to see that this is to be a war of dynasties and of diplomatists, and that little or no concessions are to be made to the people, and with dynastic or territorial wars they have no sympathy. I observe, also, that a considerable change is taking place among the periodicals of Germany, and particularly in Prussia. In Prussia there has always been a very strong sympathy for the Greeks. Several of them have indulged in severe remarks upon our conduct to the Greek Christians in Turkey, and one of the members of the present Chamber of Berlin observed, in a speech lately delivered, that he had always hitherto been a great admirer of England, and looked upon her Government as a model in regard to freedom of Government, but that he had altogether changed his opinion since he had seen her conduct towards the Greek Christians. That feeling is likely to spread; and remember it cannot be concealed—for you have already published in your own official papers that the Greeks have grievous oppressions to complain of: therefore you are your own judges, and will be your own judges if you now say that these oppressions do not exist. Lord Stratford de Redcliffe was sent to Turkey, because the Government had confidence in him, for the purpose of seeing that her internal affairs were better managed, and that he might protect the Christians from the oppressions they had to endure. The noble Lord finds himself in some embarrassment. The Turks have, hitherto, been fighting their own battles; and, though I am a peaceable man, if I had been War Minister the Turks would not have been left to fight their battle by themselves, because I like to do a thing in earnest when I undertake to do it. You have allowed the Turks to do everything, and you are involved in this difficuly—it is not likely the Turks will be very docile in listening to you henceforth in the internal affairs of Turkey. You have put down the Greek insurrection, and you have made a promise that justice will be done to them; but it is likely that the Turk will take his stand upon his sovereign rights, and say he will not allow any person to interfere in the internal affairs of his country. You have gone further than you should have gone in Thessaly and Macedonia. I have seen the papers, though they have never been laid before Parliament. The Consuls exhorted the Greeks to lay down their arms, and even threatened them if they did not lay down their arms. There was a pressure put upon the Christian population of Turkey, but always with the promise that England and France would see that justice was done to them. But not only had the British Consuls in Greece held out these promises to the Greeks, but Lord Clarendon and other Ministers had made the same declarations—the Allies were therefore involved in serious obligations. And as you are going now to have possession of Turkey, for probably a long time—for he must be a sanguine man who at my age thinks he will live to see the English and French troops taken away from Turkey—it is not out of place for him to put in a word in favour of those who are helpless now because they are disarmed, and who, according to your own statement, have been oppressed. I beg again to be understood that I do not defend the monarch of Greece; I am not champion of the King or Queen of Greece; but I speak for the Greek Christian population in the Turkish territory, who are the great support of the country and carry on all its commerce. I presume, according to the declaration of the noble Lord, that we shall have many opportunities of discussing this war question. The noble Lord has expressed the opinion and intentions of the Government, and until we have a change of Government I think we shall not be likely to have peace. For myself, for the reasons I have stated, I think it would be just as likely that you should take a part of the United States and keep it permanently, as that you should be able to seize a portion of the territory of Russia and retain permanent possession of it. If that is to be your task, and if you will not be content with driving the Russians out of Turkey, you have involved this country in a war which one or two additional screws of the income tax will not satisfy. You will have more taxation to bear, and before you have much experience in it, the people will become a little more dissatisfied. The noble Lord is a great reader of history, and I should be astonished if, before he committed himself to this policy, he did not recall a passage in the *Stowe Papers* recently published by the Duke of Buckingham. I quote from a recent number of the *Quarterly Review*. The passage is this—

> "Indeed Lord Grenville declares, that a blind and unreasoning eagerness to go to war is one of our most fixed national characteristics. In a letter to the Marquess of Buckingham, dated April 28, 1797, published in the *Courts and Cabinet of George III.*, he says, 'It is a curious speculation in history to see how often the good people of England have played this game over and over again, and how incorrigible they are in it. To desire war without reflection, to be unreasonably elated with success, to be still more unreasonably depressed by difficulties, and to call out for peace with an impatience which makes suitable terms unattainable, are the established maxims and the regular progress of the popular mind in this country.'"

MR. LAYARD: Mr. Bouverie, Sir, after the opinions I have expressed in this House, and the course I have pursued, it will not be anticipated that I am about to throw any difficulties in the way of Her Majesty's Government in obtaining additional supplies for carrying on the war. One thing, however, appears to me to be absolutely necessary, and on this I think the Committee will be disposed to concur with me—that before voting the estimate before us we should receive distinct, positive, and satisfactory assurances as to the real object Her Majesty's Government have in view in carrying on the war, and as to the general results with which they will be disposed to be satisfied before concluding a peace. I am willing to admit that we have this evening heard from my noble Friend the Lord President of the Council declarations which are satisfactory as far as they go. I confess that when my noble Friend commenced his speech I scarcely anticipated such a termination to it. My noble Friend appeared to me to be addressing the Committee in a more subdued tone than that which has hitherto characterised his speeches on this great question; but he warmed as he proceeded, and concluded by pointing out what our true policy and what our object should be in prosecuting this war, in words which commanded the unanimous approbation of the Committee, and which will, I am convinced, prove equally satisfactory to the country. There are, however, still one or two matters of great importance which require explanation, and upon which I trust we shall have some information from Her Majesty's Government before the conclusion of this debate. Considering the part I have taken in this House upon this question, I should not be discharging my duty were I not to bring these points under the notice of the Committee, and in endeavouring to do so I shall have more need of its indulgence than I have ever hitherto had when addressing this House. But before entering upon the principal object of the debate or the general policy of the Government, I am anxious to say a few words in reply to what has fallen from my hon. Friend—and I trust he will permit me to return the compliment he has paid to those who are sitting below him, by adding my "deluded"—Friend the Member for the West Riding; for although these Gentlemen may be "deluded," yet my hon. Friend seems to me to be labouring under still greater delusion, as I shall presently show, than perhaps any other Member of this House. Long before I had the honour of a seat in this House and of enjoying the personal acquaintance of my hon. Friend, I was accustomed to read his speeches with great admiration, but then they were on subjects with which my hon. Friend was intimately acquainted. I wish I could say as much upon the present occasion, but I am bound to say I feel surprised that a Gentleman of the well-known abilities and acuteness of my hon. Friend should be capable of making the speech which we have just heard from him, abounding, as it did, in the most extraordinary and most palpable inconsistencies. My noble Friend has principally dwelt upon three points: the comparative strength of Russia, the condition of the Greek population, and the obligation which our policy imposes upon us with regard to the revolutionary element in other European States. Now, I am ready to meet him upon the three points. What is his position with regard to the first? He declares that the strength of Russia has been enormously exaggerated, and that we now see that, like a great wave advancing towards the shore, when she meets a rock she breaks into mere spray. But let me ask if that rock were not there might she not, instead of breaking into spray, roll onwards and carry everything before her? We are that rock—we are endeavouring to break the force of the wave, and to render it harmless. Are we to allow her to gain strength day by day until she becomes formidable and is really able to threaten Europe. Now is the time to meet her, when she is, as my hon. Friend states, neither strong nor formidable. It is not by waiting until she has absorbed the greater part of Turkey—until she has gained over to her its Christian population—as we have just heard from my hon. Friend she has absorbed and gained over the Tartar population of the Crimea—that her strength will be diminished, and that we shall be better able to contend with her. Surely, such would not be a wise policy—every day's delay could but add to the danger. The argument of my hon. Friend appears to me to be of all others the one which should induce him to give his support to the war. With regard to the second argument advanced by my hon. Friend, I must remind him that he has again fallen into the error which he has repeatedly committed, and which is by no means peculiar to himself, of mixing up all the Christian races inhabiting the Turkish empire and calling them Greeks. Every one who is acquainted with the nature of these different races—their antagonism in language, feelings, habits, and even in some cases, in religion, is aware how absurd such a proceeding is, and how impossible it is to maintain any argument based upon such an assumption. As I have already more than once pointed out how little we can judge of the feelings and opinions of one race by those of another, I will not recur to the subject. In order to show the oppression to which the Greeks, as he calls them, are subject, he asked me whether a Christian in Turkey can become a cadi or a magistrate? As to a Christian becoming a cadi, my hon. Friend does not appear to be aware that a cadi is the administrator of the Mussulman law, as based upon the Koran, and he might as well ask whether a Mussulman could become Archbishop of Canterbury. With regard to a Greek becoming a magistrate, there is no doubt whatever that he can. By the Tanzimat, or reformed system, the local administration in which the provinces and districts of the empire is carried on by a council formed by the pasha, or governor, the head of the Mussulman law, the bishop, or head man of the Greeks and Armenians, and whatever other Christian sects may be found in the country, and, with a liberality not even known in this country, by the chief of the Jewish community. It is, unfortunately, true that in most cases the power falls almost entirely into the hands of the Mussulman members of the council; but for this the Christians themselves are to blame. They are too generally men of bad character, given to drunkenness, and other vices. They soon become objects of contempt to their Mussulman colleagues, and are not consulted in the administration of public affairs. If, on the contrary, the Christian members of the council were men of character and spirit, and would assert the rights which had been bestowed upon them, and which the Sultan had now solemnly admitted to belong to them, they would undoubtedly in that case, although perhaps for a time exposed to difficulties and persecution, obtain the position which has been ceded in principle to them. If in such cases, when the pasha is disposed to prevent them enjoying the authority which has been given to them, they appealed to the Porte, I have no doubt that in that case they would obtain complete redress. The fact is, that as yet the Greeks, or rather let us say the Christians, of Turkey, want character, courage, and principle to enable them to become independent. Let me ask my hon. Friend, now that he is drawing comparisons between the Turks and Greeks, whether, if the Greeks had been in possession of Constantinople and of Turkey in Europe instead of the Turks, they would have been able to resist the aggression of Russia—whether they would have made the noble stand which the Turks are making for their national independence? I have not a doubt that, long ere this, the whole of what now constitutes the Turkish dominions in Europe would have been swallowed up by Russia, had it been in the hands of the Christians. My hon. Friend is accustomed to address me as if I were a Turk. Now, let me set him right upon that point. I am not more of a Turk than he is himself. I have endeavoured, from the very commencement, to make this question a great European, and not a Turkish question. It is not whether the Turks are to remain at Constantinople, but whether Constantinople is to fall into the hands of Russia. I believe that the Christians of Turkey, whether Greeks, Sclavonians, or Armenians, have great qualities—qualities which may one day render them fit to hold rank as an independent nation, and to become a real check upon Russian aggression in the East—and I believe, moreover, that the time will come when they will be ready and able to assert their independence; but I have no hesitation in saying that that time is not yet come, and that, in endeavouring to force it on, you will render it far more remote than it now is, and perhaps will render impossible the accomplishment of that which you now advocate. I believe, and I think no one acquainted with the condition of the Christian populations of the East will be inclined to deny, that if you had left Greece, not under the direct government, but under the protection of Turkey, as in the case of Servia, she would have been far more prosperous at this moment, far nearer the fulfilment of that destiny which may be in store for her, and ready to receive, as an addition to her territory, those provinces which might have been better annexed to Greece, even in the interest of Turkey, than left under the dominion of the Sultan. I cannot but contrast the happy and independent condition of Servia, with the miserable state of Greece. Instead of being erected into an independent State, and burdened with all the expenses and annoyances of a court, a diplomatic service, and similar establishments, the curse of an infant State, the Servians were left under the protection of the Porte, the only thing which interfered with their liberties and independence being the so-called protection of Russia. I cannot better illustrate the result of this state of things in Servia, than by quoting from a document which has been laid upon the table of this House—the protest of the Servians against the occupation of their territory by Austria. They declare—

> "As far as concerns internal insurrections, we fear them now less than ever. The whole nation is perfectly convinced that its most precious interests impose upon it the maintenance of tranquillity and order, and the avoidance of anything that could involve it in the war, and turn Servia into a battle-field. Filled with a deep gratitude to the suzerain Court for the privileges which have been graciously confirmed to them, and for the attitude which they have been allowed to hold during this war, the government and people of Servia are too much alive to their own interests, and too much attached to the happiness of their country, to hesitate a moment as to the line of conduct to be followed. Their consciousness of their own situation will preserve them better than any threats whatever from all false and injurious measures."

Would that Greece, alive to her true interests, and mindful of what she owes to Turkey and to Europe, had held similar language and pursued a similar conduct! She would have been in a very different position to what she now is, and would have given more hope to those who are her real friends and well-wishers. My hon. Friend declares that there was a spontaneous rising throughout the Turkish frontier provinces in favour of the Greeks. I deny this altogether. Not anticipating a Greek debate, I am not provided with extracts I had made from the blue book, and from authentic letters from those personally acquainted with the subject, which would prove beyond a doubt that the Greek population, when they did rise, were forced into insurrection, and induced to join the invaders by false statements. The moment the English and French Consuls informed them of the real state of things, and that England and France had not united with Russia against Turkey, as had been falsely declared by the Greek agents, they returned to their allegiance to the Porte; and I could quote many instances of the extreme cruelty exercised by the so-called patriots to compel the inhabitants of Turkish villages to join them. I will only allude to the conduct of General Grivas at Mezzovo, which is described in the blue book. The third argument dwelt upon by my hon. Friend is this, "that as we have aided the Porte in putting down the Greeks, we must also aid Austria to put down the Italians and Hungarians in case they should rise." I am surprised that my hon. Friend should have drawn such an inference. Why did we interfere in Greece? Because the Greek Government endeavoured to raise the Christian population of Turkey and thereby to aid Russia, and to impede the action of the Allies. We were bound, even by strategical considerations alone, to interfere, and Her Majesty's Ministers are perfectly justified in the course they have pursued. Had the Greeks risen against their own Government, in favour of a constitution, or for any other reason, we should not have meddled with them. If the Italians were to cross the Adriatic, to incite a rebellion in Turkey, or the Hungarians to enter Bulgaria for a similar purpose, we should, of course, look upon them as hostile to us, and act accordingly. With their own affairs we should have nothing to do. My hon. Friend has stated that the Liberal party in Europe are opposed to this view, and he has particularly instanced M. Kossuth as denouncing it as a war waged in favour of the interests of the oppressors of his country. I have the greatest admiration for the eloquence and abilities of the great Hungarian leader, and I should deeply regret to find him impeding this country in the prosecution of this just war. Let me ask what his own case is. A fugitive from the vengeance of Austria, he received sympathy and protection in Turkey. He owed his very life to the Sultan, who risked war with his then most powerful neighbours to defend him. At that time, I have reason to believe, my hon. Friend himself wrote letters to the Turkish Minister in London, urging the Porte to persevere in its determination not to give up the Hungarian refugees, and promising that if at any time the Porte needed his assistance and support, they should be heartily given to it. Is the hon. Member now fulfilling his pledge? The Porte has rendered its greatest services to the Liberal party in Europe. Not only Hungarians, but Poles and Italians, and men of those countries who had been compelled, from political causes, to fly their native land, have received protection and the most hospitable treatment in Turkey. They have received employment in her cities, and command in her armies. If the Liberal party were now to be found allied with her enemies, they would indeed be guilty of the grossest ingratitude. I trust we shall have no further discussion on the subject of the Christians of Turkey. The time is not come for it yet. The Christians are most undoubtedly entitled to protection, and we are under certain obligations to insist upon that protection being afforded them. Although there have hitherto undoubtedly been numerous cases of oppression and injustice, yet, on the whole, they are far less numerous than is generally believed. We have done much towards preventing their recurrence, and that hitherto without straining our influence in Turkey too much, or having recourse to undue interference. All we have to do is, by the assistance of our Consuls—very intelligent and prudent men for the most part—to bring to the notice of the Porte such cases as occur, and redress will generally be given. My hon. Friend attributes the want of character of the Christians, and their inability to govern themselves, to Turkish misgovernment and to their being under a Mussulman yoke. That such is not quite the case, surely the actual condition of Greece is sufficient to prove; and I may further point to the island of Samos, which governs itself under Turkish protection. The fact is, we can never hope much of the Greeks until their national character is modified by education and intercourse with Europe. I believe that this end will be best accomplished by leaving the Christian population of Turkey for some time to come under the Government of the Sultan. This may appear a paradox; but owing to various causes—principally to the perfect freedom they enjoy both in political and religious matters, to the spread of Protestantism, to the increase of commerce — the Christians of Turkey are rapidly improving, and only require a continuation of the present state of things to render themselves ultimately competent to form a great and prosperous Christian empire.

Let me now turn to the speech of my noble Friend the Lord President of the Council. The noble Lord has asked for a considerable grant to carry on the war, and there is no doubt that after the speech we have heard the Committee will willingly vote the supplies required, if only convinced that the money is to be properly expended. As my noble Friend has alluded to the various objects to which the sum demanded is to be applied, I may be allowed to make a few observations upon them. The noble Lord has told us that a considerable portion of it will be applied to the Commissariat. Now, I have carefully avoided, for some months, alluding to the conduct of the war, not because I was satisfied with the mode in which affairs were conducted, but because I felt that I should be insensible to the magnitude of the contest in which we were engaged if I did not know that under the very best management some failures, some oversights, and some disasters, must ensue, and that it would ill become us to appear continually as the assailants of the Government. I have, however, all along felt that the Commissariat had not been in that state in which it ought to have been, considering the very liberal sums voted to the Government on that account. Everybody is aware that when the Duke of Wellington took the command in the Peninsula he found the Commissariat, notwithstanding the enormous sums which were expended upon it, in a most hopeless condition. He at once applied himself to remedying this great defect, well knowing that a good Commissariat was essential to the success of the Army. In the month of May, 1809, he drew up a celebrated minute, entering most fully, and with a knowledge of details and principles which showed his master mind, into every particular connected with the subject. The Commissariat henceforth formed one of the most efficient branches of the service, and to it may be attributed in a great measure the success of those glorious campaigns which have rendered the Duke of Wellington's name immortal. At the close of the war, however, the system which he had introduced fell into disuse. The Commissariat was transferred to the Treasury —men acquainted with the active duties of the field were no longer employed, and it was prophesied by those well acquainted with the subject that whenever a war broke out again we should be exposed to the same difficulties; and have to incur the same needless expenses, as when we first engaged in the Peninsular campaign. These prophecies have been fulfilled. I do not wish to attribute to the Government the results of a system which they received from their predecessors, and for which they are not responsible, and I should not have said a word on the subject had it not been that the Government were warned upon every point early in the winter, and that all the difficulties to which we have been exposed could have been avoided had the Government taken proper measures, and listened to the advice tendered to them. I speak now from personal knowledge, not from any vague reports. Those who had the management of the Commissariat were told that the country about to be occupied by our armies was deficient in beasts of burden and in the means of transport. They were told that it was only by sending into distant parts of Asia Minor and to the islands that the necessary animals could be procured. Every suggestion they received, to the very places indicated, have been justified by the result. Again, the class of men to be organised as camp followers were pointed out to them. Many gentlemen were named who were admirably calculated to be the means of intercourse and communication between the army and the natives. However, it would seem that a rule had been made not to employ one person acquainted with the resources of the country or the manners and languages of the inhabitants. All that was done was to send a gentleman from the Treasury to Constantinople to make inquiries. After one or two weeks' residence he drew up a report upon the history, government, policy, manners, and resources of a country, of which it might almost be said that the more one lives in it the less one knows of it. In fact, the population and resources of adjoining provinces differ so essentially that a perfect knowledge of the one would only mislead you as to the other. But the report of this gentleman was printed and circulated in the army as directions for the Commissariat officers! No wonder that when our army landed they found themselves deficient in the necessary supplies. The accounts which appeared in the *Times*, although at first denied, are now admitted to be correct, and notwithstanding the horror that appeared to be entertained at the presence of a *Times*' correspondent, it cannot but be admitted that those gentlemen have done much towards calling public attention to and remedying abuses. I hold in my hand extracts from several letters, which I will read to the Committee—

> "If we are badly off here then, what may we expect to be there? But I see no present possibility of getting there. We have only just carts enough to bring us our daily rations of bread. We have no organised waggon train, and to the absence of it, I presume, may our present delay be attributed, and indirectly, if not directly, nearly all the inconveniencies we are suffering from. Here again our shrewd Allies beat us hollow. Before the French landed they had bought waggons, bullocks, or mules, &c., and brought with them a regular waggon train. The commissary in charge of the light division told me that at the present moment we have only thirty regular commissariat carts for the whole army, and only one field ambulance. They had, as they imagined, a number of bullock carts of the country ready for use, but either from some misunderstanding about wages, or from a more attractive offer elsewhere, the men absconded with their bullocks and left us crippled. We fear being compelled to leave our tents behind, not having means to carry food for the baggage animals. Our arrangements for the sick and wounded are

alike deficient. I have just been to the Commissariat folk, and they tell me they cannot even give to the hospital the bullocks and drivers required to take the hospital marquee and stores."

A private letter from Varna states—

> "With regard to the hospital establishment it is very defective. I have heard many complaints from the surgeons. They have not supplied us here with a single pannier for conveying medicines — and with the army in movement, we were forced the other day to borrow from the French, who kindly offered it, a conveyance to take a sick man from their camp to Gallipoli. Ask the question in the House, and you will be told that you are misinformed, or it will be denied altogether."

Had it not been for our excellent Consul, Mr. Calvert, I do not know what our troops would have done on reaching Gallipoli. He had to provide them with quarters, to look after their commissariat, and to be the organ of communication with the local authorities. It is fortunate we had such a Consul on the spot. The Committee is probably not well aware of the multifarious duties which are imposed upon a British Consul in the East, and of the nature of the requirements which he is expected to possess. He is a judge, both in civil and criminal suits, and is called upon to adjudicate upon every variety of case from a murder to a divorce. He must be a diplomatist and politician, and he is the political agent at the petty court of a pasha. He must be well versed in commercial and maritime law, as he is the authority to which merchants and seamen must apply, and he is generally the agent of Lloyd's. He must speak with fluency half a dozen languages, and, add to all this, he is expected to entertain, at a salary of 250*l.* a year, from which all manner of deductions in the way of Foreign Office agency and income tax are made, every traveller who chances to visit his district. He must, indeed, be a phenomenon—and Mr. Calvert may fairly be quoted as an instance of such a phenomenon. But for his services our troops would have met with great difficulties, and would undoubtedly have been exposed to great hardships. The noble Lord has stated to the Committee that a considerable portion of the sum to be voted this evening will be required for the transport service. A noble Earl (the Earl of Ellenborough) has already in another place called the attention of the country to the enormous sum which has already been expended in transporting our troops to the East, and has ably pointed out the defects in that branch of the service. It would be instructive to have a return of the various sums paid for demurrage upon vessels engaged for this purpose by the Government. I am informed that on the *Himalaya* alone nearly 20,000*l.* was expended on account of some change of plan in keeping our troops at Malta. I do not now wish to blame the Government for what has happened, which may, as in similar cases, be attributed to a defective system; but such facts ought to be known, that their recurrence may be prevented. Let us look also at the number of accidents which have occurred to us, whilst, as far as I can learn, not one has happened to our Allies. Surely this must show great defect and mismanagement somewhere. One of our principal sources of failure and expense is the neglect, so apparent in everything connected with the prosecution of the present war, of taking precautionary and other measures in proper time. Why, I cannot but ask, were not British Commissioners sent last year to the Turkish camp to ascertain the real condition of the Turkish army and the prospects of the campaign. Had this step been taken we should not have heard last year, as we did in this House and elsewhere, that the Russians might march unimpeded to Constantinople. Even the Spanish Government, little interested as it must be compared with ourselves in this war, sent General Prim as a military Commissioner to the Turkish camp. Had we taken a similar step how many mistakes we should have avoided. That the presence of a few English military men of recognised ability and of experience would have been of the utmost importance to the Turks is now fully proved by the gallant defence of Silistria, which would not have held out had it not have been for the counsels and encouragement given by two British officers, Captains Butler and Nasmyth, one of whom, unfortunately, has not survived to reap the reward to which his courage and skill so fully entitled him. It might be said that the defects of which I complain have undoubtedly hitherto existed, but that a remedy was now applied by the formation of a new department and the nomination of a Minister at War, under whom the various branches of the military service would be consolidated. But, unfortunately, the change announced by the Government has not been carried out either to the satisfaction of the House or the country. A Minister of War has been named, but the old system appears still to exist with all its anomalies and abuses. It is true that the Government has promised that the consolidation shall ultimately take place, and that the required changes shall be made; but, unfortunately, this Session has been more fruitful in promise than in performance. My hon. Friend the Member for the West Riding has taunted some of those who sit beneath him with a predilection for a certain noble Lord who is supposed to have been pre-eminently qualified to fill the office of Minister of War. But my hon. Friend has much exaggerated. No one, and I less than any one, would wish to say one word against the noble Duke who now holds that high position. I believe him to be eminently qualified from his known integrity, his habits of business, and his great industry, to discharge the arduous and responsible duties of his office. But this is no personal question. I wish to raise it above any personalities. What are the facts of the case? The noble Viscount the Member for Tiverton was believed in the country to represent certain opinions, and to be identified with a certain policy, which, whether rightly or wrongly, I will not pretend to say, were supposed to be guarantees that this war would be carried on with increased energy and for certain great ends. The noble Viscount had earned a great European reputation by his vigorous and decisive policy in a question almost parallel with that which arose last year, and which has led to this war. I do not wish, under present circumstances, to do more than to allude to this case; but the Committee will remember that when we were on the very brink of a war, peace was maintained by the decision and vigour of action of the noble Viscount. The noble Viscount's long experience in the public affairs of Europe as Foreign Minister of this country, and his no less intimate acquaintance with the conduct of war, seemed to point him out as the man peculiarly qualified for the direction of this great contest. His appointment to the Ministry of War would have been accepted in Europe as an earnest of our determination to carry on the war with due vigour, and would have been worth an army to us. The Duke of Newcastle—perhaps erroneously—has the reputation of being a Member of that party in the Cabinet which is opposed to the war, and which has embarked with reluctance in any hostilities whatever. His appointment was consequently looked upon as a triumph of that party in the Cabinet which is known as the peace party. It is on this account alone that his nomination was calculated to create distrust in the intentions of the Government both at home and abroad. Many appointments have recently been made by the Government which have caused great dissatisfaction. I have often heard it said—and, indeed, one of my correspondents from the East makes a similar remark—why does not the Government allow some great firm to contract for carrying on the war? This question, however ludicrous it may appear, is based upon a very good common-sense view of the matter. If my hon. Friend the Member for Kirkwall (Mr. Laing) were to build a new Crystal Palace, or the hon. Member for Whitby (Mr. Stevenson) were to undertake some great railway in a foreign land, they would not employ this man, because he was first-cousin to a celebrated engineer, or that man because he had been two or three years longer in the trade than another contractor; but they would seek out those who, by their abilities, experience, and knowledge, were best calculated to carry the undertaking to a successful, speedy, and economical conclusion. It is upon the same principle that the public wish appointments to be made; and until appointments are made upon this principle we shall ever have to complain of failures and fatal errors. In speaking of the public service I may allude to a notice of Motion of my hon. Friend the Member for Poole which has appeared for some time on the papers, relative to Persia, and which I regret has not been brought before the House. It is certainly not right that at such a crisis as the present the head of our mission in Persia should be absent from his post. The affairs of the mission are now confided to a gentleman, who, while speaking of him with every respect, I cannot say I believe to be competent to the discharge of the most important duties which must now devolve upon him. Had it not been for the Turkish Ambassador at Teheran, a man of consummate abilities, indeed of real genius, I believe that Persia, by this time, would have openly sided with Russia. Persia is now of the utmost importance to us as an ally; more especially as the Ottoman troops have hitherto been unable to contend successfully with Russia in Asia; and, I believe, that had our mission been in good hands, we might, by this time, have secured her active co-operation.

I will now turn to the speech of my noble Friend the Lord President of the Council. That speech was undoubtedly in many respects highly satisfactory to the Committee, and will, I believe, prove so to the country. But unfortunately that noble Lord is not the Prime Minister, upon whom, after all, the conduct of the policy of this country depends. The noble Lord has made speeches in a similar spirit before that which now occurred. But a very few days ago I considered it my duty to call the attention of the House to a speech which had been made in another place by Lord Aberdeen. In consequence of the notice of a Resolution which I gave, that noble Earl volunteered an explanation, which, unsatisfactory as I confess it to have been to me, I accepted, and, in conformity with what appeared to be the general feeling of the House, I withdrew my notice. But it is of the utmost importance to have the history of that speech in mind, as precisely the same thing might occur again. It was this. A noble and learned Lord, deeming the time come when some definite explanation should be given by the Government as to our relations with Austria and the German Powers, brought that subject forward in another place in a speech of singular eloquence, rendered still more remarkable by the great age of the noble orator, who seemed to be uttering the wisdom founded upon the knowledge and experience of almost two ordinary lives—in which, with masterly clearness, he pointed out the disastrous effects of the ambition of Russia, and the only means by which that fatal lust of conquest and aggrandisement could be effectually checked. The noble Earl the Minister for Foreign Affairs enlarged upon the speech of Lord Lyndhurst, and pointed out, in words worthy of the occasion, the only true policy of England. The leader of the Opposition (Lord Derby), in a candid and generous spirit, expressed his full concurrence in the sentiments which had fallen from the Minister of Foreign Affairs, and declared the satisfaction with which they would be received by the country. It might reasonably have been supposed that even the Government would have rejoiced at an unanimity which would have enabled them to persecute their war with vigour and energy. But a fatal impulse induced Lord Aberdeen to rise, and, without any apparent reason, to make a speech, which completely destroyed the effect of the statements of the Foreign Minister, and again plunged the country into doubt and alarm. Now, unfortunately the very same thing may occur again. Unfortunately Lord Aberdeen is the Prime Minister of this country. It is to him we are to look for the policy of the Government. He may, as recent events have shown, dismiss a Minister at any moment without notice or consultation with his colleagues. During what I may almost call their temporary suspension of the constitution, even the noble Lord who has spoken this evening, and that noble Viscount the Member for Tiverton might be told at any time that their places had been disposed of, and that their room was more desired than their company.

It will be remembered, too, that last autumn, whilst negotiations of the utmost importance were going on, upon which the very question of war or peace depended, decisions of the most momentous character were come to by only two or three Members of the Cabinet, who met together without reference to their colleagues. In such a state of things we should be ill discharging our duties—ill fulfilling the important trust placed in us—if we were to allow the House to separate without obtaining the most distinct and positive assurances, not from one Member of Her Majesty's Government, but from the Government generally, as to their real policy, and the objects and ends of the war. Let me now turn to the speech of Lord Aberdeen, to which I have alluded, and to the explanation which must, I presume, be received as the solemn declaration of the noble Earl of his opinion and policy. The noble Earl in his first speech had laid down three principal propositions, namely, that Russia had not enlarged her territorial possessions by the Treaty of Adrianople; that the only use she had made of the power gained by that treaty, was to afford, in a time of great need, valuable aid to Turkey; and that, if we could only secure a peace for twenty-five years on the same terms, we might consider ourselves exceedingly fortunate. Now, the noble Earl prefaced his explanatory statement by the declaration that there was nothing in his first speech which he had to retract or contradict. It is true, he admitted, that although the Treaty of Adrianople had conferred no very considerable territorial possessions on Russia, it had nevertheless given her territorial positions, even more important than possessions, as they called her to exercise an influence which must alternately secure to her the large accession of territory which she undoubtedly desired. With the exception, therefore, of this point, the other declarations of the noble Earl remain uncontradicted. We must consequently examine how far they are consistent with the truth, and with the true policy of this country. In order to justify himself, the noble Earl had produced a despatch, written by him to our Ambassador at St. Petersburg, some time after the signing of the Treaty of Adrianople, and communicated, it is asserted, to the Russian Government. That despatch is, no doubt, an admirably written document; there is scarcely a sentiment in it with which I do not heartily agree, but the question naturally occurs why, with the knowledge of the views and the policy of Russia which this despatch displays—why, with these facts before your eyes, did you permit the Treaty of Adrianople to be concluded at all. It was very easy to protest after it was too late; this step should have been taken before. Let us for one moment recur to the circumstances under which this treaty was obtained; they are of very great interest at this moment in illustrating, to a very remarkable degree, the policy which had been pursued by Lord Aberdeen on the present occasion. In a selection of documents, the authenticity of which is admitted in a well-known speech by the noble Viscount the Member for Tiverton, I mean the State Papers, which appeared some years ago in the *Portfolio*, is a despatch from Prince Lieven to Count Nesselrode, written some time before the signature of the Treaty of Adrianople. It appears that the Russian Ambassador wished to enlist this country in the cause of Russia during her war with Turkey, and that he applied to the Duke of Wellington, who, however, showed great alarm at the probable results of the contest, and appeared inclined to oppose the views of Russia. Prince Lieven then had recourse to Lord Aberdeen, who was Minister for Foreign Affairs. In a despatch to the Emperor, he reports the results of this interview with that statesman.

> "As he (Lord Aberdeen)," he writes, "was acquainted only imperfectly with our conversation with the First Minister, he laboured, when he learnt the details of it, to soften the disagreeable impressions that might have been left upon us by his language at the commencement of it, by the reiterated assurance that at no period had it entered into the intentions of England to seek a quarrel with Russia. Public opinion was always ready to burst forth against us (Russia). The Government (British) could not constantly prove it, and it would be dangerous to excite it on questions of maritime law that touched so nearly the national prejudices. On the other side, we could reckon with entire confidence upon the well-disposed (*bienveillante*) and friendly disposition of the English Ministry, which struggled against them (the national prejudices). Public opinion was pronounced against us because generally in England it took the side of the Whig—but, *au reste*, the British Cabinet was far from not wishing us success; on the contrary, it wished us success, prompt and decisive, because it knew that it was the only means of terminating the war, which could not be regarded except as a great misfortune, since it was impossible to foresee its results. The English Minister entered into long directions to demonstrate that we lent to him intentions that he could not have, and ended by saying that the Cabinet of London desired that the war should be terminated to the honour and advantage of Russia."

The language held by Lord Aberdeen at that period, as reported in this despatch, corresponds, I believe, exactly with that held by the noble Earl during the negotiations which preceded the war. At that time I had good reason for believing there was a strong hope felt and expressed that the Russians should be successful at Khalafat and elsewhere, because success might lead them to moderate their terms, and might then smooth the way to a peace. Fortunately for the honour and interests of this country, those who had thus hoped were disappointed. Lord Aberdeen has declared that at the time of the Treaty of Adrianople the Russians displayed great moderation, as they might have marched upon the capital. But we now learn, from undoubted sources, that so far from the capital being in danger, it was the remains of the Russian army that was in the most imminent peril. Out of the 25,000 men who reached Adrianople, scarcely 8,000 were fit for active service, the rest being utterly helpless from disease, and Mustapha Pasha was advancing upon them with from 50,000 to 80,000 fresh troops. I have been told that when Sir Pulteney Malcolm informed Admiral Hayden, who commanded the Russian blockading fleet in the Ægean, of the signature of the treaty, the latter jumped out of bed, and, embracing the bearer of such welcome intelligence, exclaimed, "We are saved." Let the House remember that Lord Aberdeen himself stated in his despatch that that treaty was accepted by the Porte at the persuasion of the British Ambassador—his own brother. The French Court at that time was well known to be in the direct interests of Russia, if not to have secret understanding with her. The noble Earl has declared that so far from the Treaty of Adrianople having led to any aggression on the part of Russia on Turkey, it has enabled Russia to confer a signal service upon the Porte. How far is such a statement warranted by facts? In the first place let it be remembered that the secret article of the Treaty of Unkiar Skelessi, that signal service to which Lord Aberdeen alludes, was made directly in favour of Russia, as it expressly states, closing the Bosphorus and Dardanelles against the ships of war of all other Powers. The indignation which that secret article created throughout Europe cannot be forgotten. But what has the Treaty of Adrianople enabled Russia to do in Servia, in the Principalities, on the Danube? Of Servia I can speak with some confidence; and, now that twelve years have elapsed since the events to which I refer occurred, without betraying any diplomatic secrets. I was employed in that province on a secret mission when the revolution of 1842 broke out. It was a national movement against the reigning Prince Michael, who had become a mere tool of Russia, and had incurred the popular resentment. He was expelled. Our Consul General there misunderstood the cause of the revolution, and protesting against it, lowered his flag, and left the country. I took a different view of the subject. Lord Stratford, then Sir Stratford Canning, did so also, and supported the Porte in her recognition of the change. Russia, however, placing a sense upon the Treaty of Adrianople which it could not bear, insisted upon a new election of a Prince, the expulsion of the leading men of Servia, and the cancelling of the act of recognition of the Porte. What course did Lord Aberdeen take? Why, he justified and approved of the conduct of Russia, admitted the construction he had placed upon the Treaty of Adrianople, and, in replying to Lord Beaumont, who brought the subject forward in another place, declared that—

> "Nothing could exceed the state of horror of the Servian people, from the excesses which had been committed by those who had arrived at power. The noble Lord (Lord Beaumont) had distinctly referred to the revolt as an attempt of a free people to exercise their just right to elect their chief; but, so far from this being correct, the revolt was the effect of a corrupt bargain with the Pasha of Belgrade and two or three ambitious Servian chiefs. The revolt possessed no character of a patriotic and national movement; and so far was he from entertaining the apprehensions expressed by the noble Lord opposite, that Russia would move 50,000 men into Servia, he had very little doubt that in a short time we should see the youth at the head of the Government but too happy to make his escape from that people over whom he now reigned."

It would be difficult to point out any prophecy which had proved so utterly false. The Prince, then elected, is still the chief of the Servian nation, and that province, under his administration, has attained that condition of prosperity and independence which renders him the hope of the Sclavonian population of Turkey. The conduct of Russia in the Danubian Principalities had been more successful than in Servia. From a mere right of interference, she has gradually arrogated to herself a right of actual occupation; and Wallachia and Moldavia have become, in her eyes, mere Russian provinces. Such having been the policy of Russia since the Treaty of Adrianople, fully justifying the results which Lord Aberdeen predicted from that treaty, is it not surprising to find that Ministers for Foreign Affairs of this country last year, whilst Lord Aberdeen was Prime Minister, thus addressing their own Ambassador at St. Petersburg to the Emperor of Russia. Lord John Russell's despatch of February 9, 1853, runs thus—

> "Upon the whole, then, Her Majesty's Government are persuaded that no course of policy can be adopted more wise, more disinterested, more beneficial to Europe, than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous Sovereigns who have sought immortality by unprovoked conquest and ephemeral glory."

Lord Clarendon writes to Sir H. Seymour, March 23, 1853—

> "They (the Government) feel entire confidence in the rectitude of His Imperial Majesty's intentions, and as they have the satisfaction of thinking that the interests of Russia and England in the East are completely identical, they entertain an earnest hope that a similar policy there will prevail."

It was such declarations as these, Sir, which acted as an encouragement to the Emperor of Russia, and mainly led to the state of things which ended in this war.

As the noble Lord the Lord President of the Council has alluded to the policy of Austria in his speech, it is necessary that I should say a few words upon that subject. After the Russian forces had crossed the Pruth and war became inevitable, the Government, instead of at once taking their stand upon the great principles involved, threw themselves as a last resource into the arms of Austria, and she became for a time the arbiter of the peace of Europe. This I believe to have been a very fatal error, one which has led, and which will inevitably lead, to great evils. Austria, from the very commencement, had held but one language—that which she demanded, and was prepared to demand, was a return to the *status quo ante bellum.* This policy had been formally announced in State papers, to some of which even the representatives of France and England are parties. In every treaty and protocol which has hitherto emanated from Vienna, this principle is most distinctly laid down. If Austria hereafter should refuse to go a step further, we have no cause to complain. We might, in the first instance, have been persuaded that such would have been her policy. In treating with nations, we must inquire what their real interests are; by this alone will their policy be guided. Now, what are the interests of Austria in this contest, and what is her position? Her dominions are made up of a number of distinct races, some of which, from various causes, are disaffected to the Government and ready to rise against it. Austria must, therefore, be anxious to avoid any event, such as a war, which might lead to disturbances within her own territories. Again, Austria is a representative of the despotic principle in Europe, of which Russia also is a representative. Austria has received signal aid from Russia in quelling a great revolutionary movement, and she naturally looks to Russia alone for future help under similar circumstances, which must sooner or later inevitably occur. The interests of Austria are, therefore, opposed to any hostility with Russia. On the other hand, she cannot join Russia against England and France, because she knows that the loss of her Italian provinces would follow, and that she is quite unable to resist a great maritime Power. Although her true policy thus prevents her uniting cordially either with Russia or ourselves, still it is essential to her interests that the Principalities should be evacuated and should be as much as possible withdrawn from the influence of Russia. The reason is obvious to those acquainted with those countries. Austria knows full well that the moment the Danubian Principalities are brought completely under the influence of Russia, the intrigues of that ambitious Power will be brought to bear upon the Sclavonian populations of Servia, Bosnia, and ultimately of the adjoining Sclavonian provinces of Austria. In the Turkish Sclavonian provinces the interests of Austria are of precisely the same character as those of Russia. Such being the position of Austria, it is evident that her true policy was one of strict neutrality; and I believe we have committed a great political error, in endeavouring to force her to abandon her true policy, and to take part with us. And, if Lord Aberdeen's not very complimentary assertion, "that France is more than a match for Austria and Russia put together," be true, there was surely no need of her alliance. Few statesmen would, at such a time as this, be inclined to deny that it is of the utmost importance to this country, that there should be in the centre of Europe two great neutral Powers like Austria and Prussia. But, notwithstanding all our efforts, we have heard this evening that the course which Austria is prepared to take is still doubtful. And this uncertainty becomes a serious cause of embarrassment to us; as long as it exists, we cannot decide upon the part that our troops are to take in this war, whether they are to remain inactive at Varna, to advance to the Danube to aid the Turks in expelling the Russians from the Principalities, or to be sent at once to Sebastopol? Although the Turkish troops have fought with a bravery unsurpassed behind walls and in entrenchments, yet their utter want of proper officers would render it exceedingly hazardous for them to venture upon a battle in the open field against a Russian army. Unless, therefore, the action of Austria be brought at once to bear upon the Principalities, and the Russians are induced to withdraw, we cannot leave the Turks to themselves. The assurances of the noble Lord with regard to Austria have, it appears to me, been very unsatisfactory; and at the end of his speech I was at a loss to determine whether he had told us that she was with us or against us. There were some assurances of the noble Lord, however, which were undoubtedly highly satisfactory, especially that with regard to the destruction of Sebastopol, the Russian fleet, and of the future relations of the Danubian Principalities with Russia. I might have wished that he had touched upon one or two other points—there is the possession of Bessarabia, and the consequent command of the navigation of the Danube—without a satisfactory settlement of which this war should not be brought to a close. There are the Circassians, who have resisted with extraordinary perseverance and courage all attempts of Russia to take possession of their country and to destroy their national independence. We have now encouraged them to take the field against their oppressors, and aided them in their attempts to drive the Russians from their country. It would be the height of ingratitude to desert them at the conclusion of a war, and to leave them to the vengeance of Russia. I have heard it very frequently said, that no peace would be satisfactory unless the Bosphorus and Dardanelles were opened to the fleets of all nations. But it must be remembered, that as long as Sebastopol exists, and a Russian fleet commands the Black Sea, such a state of things would be in the highest degree dangerous. No one acquainted with the subject can doubt that had the Dardanelles and Bosphorus been open twelve months ago to the fleets of all nations, either the Porte would have been compelled to submit to any terms the Emperor of Russia might have dictated, or Constantinople would have been in his hands. In consequence of the treaty of 1841 the appearance of the Russian fleet at the entrance of the Bosphorus would have been an act of war, and the Turks might have resisted, and if that treaty had not existed, Russia, before a declaration of war, might have entered the Straits under any plea, and might have inclosed a part of Constantinople. If Sebastopol is to fall, no time is to be lost in attempting its reduction. The noble Lord has told us that the Russian fleet is now useless, that it is blocked up in harbour by the allied fleets, and that it dare not venture out to sea. This may be perfectly true, but we must remember that in three months our position will be reversed. It is impossible, as Admiral Dundas has himself reported, for our fleet to hold to open sea after the beginning of November. We shall then be shut up in the Bosphorus, and the Russians, acting upon their policy of avoiding a superior force, and seizing the opportunity of inflicting injury upon a weaker, will arise from Sebastopol, and we may have a repetition of the lamentable event of Sinope. As yet to the Turks alone are due all the successes of the present campaign; they alone have resisted the power of the Czar. I trust I am the last man to clamour for victories, and to show an unworthy impatience, which can only prove an ignorance of the true nature of the great struggle into which we have entered, but I think I may venture to say that, after the great sacrifices we have made, and the magnitude of the military and naval forces sent out from the shores of England, the country may fairly expect some results commensurate to them before the close of the year. But such ends can only be obtained if the Government be determined to carry on this war with energy and vigour, and with a view to such results as would alone have warranted us in entering into it. After the discrepancies of opinion amongst various Members of the Government which I have pointed out, it becomes of the utmost importance that before the conclusion of this debate we should learn what the intentions of Her Majesty's Ministers really are from one of those right hon. Gentlemen who are believed to represent opinions opposed to those of the Lord President of the Council, for instance, the Chancellor of the Exchequer. Let satisfactory assurances be distinctly given, and I for one will vote with alacrity any sum which Her Majesty's advisers may think necessary to enable them to carry on this war. But we should not be discharging the trust placed in us by the country if we permitted the House to separate without having received some such declaration from the Government upon which we could entirely rely.

LORD DUDLEY STUART said, he had not the least desire to interfere with the Vote proposed. On the contrary, he wished to afford every assistance to the Government in carrying on with vigour the war in which the country was engaged. The noble Lord the Member for the City of London had referred in his speech to the wish of some Members who desired that the House should reassemble in autumn. It was his opinion that the House, in voting the money, and in consenting to place the Vote of Credit in the hands of the Government, should endeavour to obtain from the Government some such an assurance. Her Majesty should be asked not to exercise Her power of proroguing Parliament, except for the purpose of reassembling it after a short recess. Such an assurance would give satisfaction to the House and to the country. We were engaged in a war which one of the Ministers had described as a war for the independence of nations, and as a struggle of civilisation against barbarism. The people had come forward nobly to support the Government in carrying on the war, and they had readily made great sacrifices; but they wished the contest to be prosecuted with energy, in order that they might have some compensation for those sacrifices. They were anxious that these sacrifices should not be made without obtaining equivalent advantages. But the people of the country looked to the conduct of the war with a jealous eye, and, he might safely add, with feelings of apprehension, and with a certain degree of suspicion. Their apprehensions were not aroused as regarded the enemy, much less by any mistrust as to the prowess of their naval and land forces; but the suspicion was, that some of those who were in power had not their hearts in the war, and were not honest in their intentions to prosecute it with vigour. He had no doubt that this was the general opinion of the country. Men of all parties concurred in opinion that the Minister now at the head of the Government was not the man who ought to be in power during the continuation of a war like the present. He repeated that this was the general opinion; and however placemen and Peelites might flatter themselves that it was not so, he assured them they would find it out if they would only go among the people. It was his firm belief that if a meeting were to be held in Drury Lane Theatre, in order to express the opinion of the public upon the mode of proceeding adopted by the Prime Minister, the place would be full from the gallery to the pit, and that it would be unanimous in condemning him. The people were ready to give their money to carry on the war; but they wanted to have value for it. When they saw vast armaments proceeding from this country, armaments as great and as grand as any we had ever sent forth, and that nothing was accomplished by them, they could not help being possessed with suspicions that, somehow or other, orders had been given to their gallant commanders which prevented them from using the power at their disposal. They could not help believing that directions had been given to carry on the war against the great "gentleman" of Russia in a gentlemanlike way, and not to press him too far. The people of England also saw that those who had been most engaged in resisting him diplomatically, who had most exposed the designs and pretensions of the Emperor of Russia, and who had done most to present him to the world in his true colours, had not, when they returned to their own country, been received with any marks of special favour. Sir Hamilton Seymour, who had conducted the important mission of which he had charge in a manner that did infinite credit to his temper, ability, and capacity, came home lately, and it was supposed that hardly any reward would have been too great for him. But what reward had Sir Hamilton Seymour received? What mark of royal favour had Her Majesty been advised by Her responsible Ministers to confer upon him? Yet we saw at the same time Russian noblemen visiting this country during the war, and treated as the favoured guests of Cabinet Ministers. All these were things which made an impression upon the people of this country, and inspired them with distrust of the Government, or at least of its head. To be sure, the House had to-night heard a very spirited, an able, and a noble speech from the noble Lord the leader of the House; and he (Lord D. Stuart) could not help, whilst listening to that discourse, experiencing the common feeling of three-fourths of the House—what a pity it was that such a statesman, who could utter such sound, noble, and truly British views, should only occupy a comparatively subordinate situation in the councils of the country. The distrust entertained of the Government in the country was general, but it was confined to the Prime Minister. Nor could any one be surprised at it, for, at the very moment when the noble Lord was, in such eloquent sentences, expounding the policy of the country, Lord Aberdeen was in another place uttering a speech of a different description, a speech which he had been told deserved the reproaches of the country for its lukewarmness and faint-heartedness. What was the use of the noble Lord the leader of that House making vigorous declarations so long as they were counteracted by another Minister, more powerful, in another place? There was only one thing which could dispel the distrust in the Government that had so long existed, and which had grown more and more till it had reached the highest pitch. He believed, if the Ministry had thought proper to advise Her Majesty to appoint a certain Minister as Secretary of the War Department, the country might have been reconciled to the Government of Lord Aberdeen. He believed that if his noble Friend the Home Secretary had been appointed to that office, his name would have been a guarantee to the people for the war being carried on with vigour and energy. There was no doubt that the very name of Palmerston carried with it an amount of moral force equal to a whole army. His noble Friend's name was known in war as well as in peace; and wherever it was known it was both loved and feared, for it was synonymous with the power and the strength of England. It was rumoured, however, that the Prime Minister had declared, or had been heard to say, that so long as he was in power Lord Palmerston should never have the conduct of the war. The opinions he had expressed he firmly believed were the general opinions of the country. Let the House consider whether they were founded in truth. If they were only senseless clamour, it was the duty of the House of Commons to show that they had no foundation. The noble Lord (Lord John Russell) had spoken of the great armaments sent out from this country. Grand armaments they were; but up to this time they had produced little or no effect. He gave every credit to those at the head of departments for the extraordinary promptitude with which they had equipped and sent them forth;—all honour to them for that!—but he must observe that they ought to have been prepared much sooner. The army ought to have been sent to the neighbourhood of Turkey before war was declared, in order that it might have acted at once. In war, promptitude was everything. No one knew that better than his noble Friend the Secretary of State for the Home Department. He had always shown great promptitude. Look at his conduct with regard to Portugal. When he had made up his mind, action immediately followed. The same occurred with respect to Greece. But in the present case, though the army was sent out with great promptitude and in admirable order, did it go out to fight the enemy? No; it first went to eat oranges at Malta, then to Gallipoli, and then to Scutari. At length it got to Varna, and at Varna it had since remained, unable to move because there had not been the forethought to prepare proper means for its advance; the Commissariat was not ready. That department had not provided horses or mules, or beasts of burden of any kind. The army, therefore, was yet at Varna—very well as a demonstration, but unfit for action. Somewhat similar observations might be made as to the Navy. What was wanted, both in the Black Sea and in the Baltic, was vessels of small draught. No operation on the Danube could be undertaken without them. An officer in the fleet when in the Bosphorus, whom he knew, pooh-poohed the idea of our going to war, "because," said he, "we have no vessels of shallow draught, and we can do little or nothing without them. Nor yet in the Baltic were there any vessels of shallow draught. He was credibly informed that we had no steam-vessel in the Baltic which drew less than eleven feet; but what was required in that sea was not vessels drawing eleven feet, but steamers drawing five and three feet. Many weeks ago a naval officer, now holding a command, mentioned this. He was asked, why not go to the Admiralty? "Oh," he said, "I should only be snubbed." The officer took care not to go to the Admiralty, and therefore he was not snubbed, but he got a command. He believed it would be possible to procure steamers of 200 tons drawing only three feet, which would carry one on two heavy guns. Vessels of this kind he was told were built in America fit to navigate any sea in the world. There was, however, nothing of the sort in the Baltic fleet. [Sir J. GRAHAM said that was a mistake.] If the statement was made in mistake he was happy to be corrected; but such statements had been made, and if the right hon. Baronet was incredulous, he could give him references. At all events, a great many useful hints might be taken in this respect from our brethren on the other side of the Atlantic. It was perfectly evident that the war in the Baltic must be carried on by means of bombardment, if at all. To do that there must be mortars; but he was informed that in the Baltic fleet there was no such thing as a mortar. He had been assured that when Admiral Plumridge went to Sveaborg, he found there seven ships of the line and three others moored in the ice. Why were they not attacked? It would have been easy to attack them, but why were they not attacked? The supposition was, that there were orders not to press Russia too hard. Cronstadt, no doubt, was a very formidable place, but he was assured it was accessible upon the north side to vessels of a very considerable size, and that if twenty vessels were sent there with mortars, towed by steamers, the place might be bombarded and the fleet destroyed. But there were no mortars in the fleet. Heavy guns it certainly had, but no mortars. The castles in the Morea were taken by means of mortars. Something of the same sort might easily have been done against Cronstadt. Cronstadt might by this time have been laid in ruins; and he had this opinion of the gallant officer who commanded the fleet that he would have done it, if he had been supplied by the Government with the requisite means, and if he had not received orders to hold his hands. When the people saw these things, it was not surprising that they were dissatisfied, and that they should imagine that some person having preponderating influence in the Government could not be in earnest in this war. Though the Committee might be ready to vote the money required for the war, he thought it would not be desirable for Parliament to separate without having some assurance as to the time of its being reassembled, because there was a fear that, when Members were away, the head of the Cabinet would be most desirous of bringing the war to a conclusion, no matter how; and that negotiations would be entered into which would result in an ignominious, an impolitic, and an unlasting peace. It would be, he believed, perfectly constitutional in him to move an Address to Her Majesty, praying her not to prorogue her Parliament. He had come down to the House to-day firmly resolved to make such a Motion; and he had consulted the Speaker upon the subject, the right hon. Gentleman being always ready kindly to give his advice to any hon. Member who asked it. He could not, he believed, make such a Motion upon going into Committee, nor could he oppose the Speaker leaving the chair, because it would not be respectful to Her Majesty to have so interfered with Her most gracious Message. He then supposed it would be open to him in Committee of Supply to move an Amendment to the same effect; but Mr. Speaker had informed him that, according to the forms of the House, it was not competent for him to make such a Motion. He was therefore unable to make the Motion to-night. If he had the opportunity, he would tell hon. Gentlemen what was the Motion he intended to make, and if he had the opportunity he would make it still. It was exactly like one made at the beginning of the present century by a great statesman who ought to be venerated by the Government bench—Mr. Charles Grey, afterwards Earl Grey. It was this—

> "That an Address be presented to Her Majesty humbly to pray Her Majesty to be graciously pleased not to prorogue Her Parliament until She should have been enabled to afford to this House more full information with regard to Her relations with Foreign Powers, and to Her views and prospects in the contest in which Her Majesty is engaged."

Such was the Motion. He could not make it now; but if he could devise any means of doing so without violating the technical forms of the House, he certainly would. His idea was not that they should be sitting *de die in diem* all through August and September—that would be taxing the patience of hon. Members too much; but supposing the Motion should be made, that it should find favour with the House, and that it should be the Queen's pleasure to consent to the wishes of the House, Parliament, instead of being prorogued, might be adjourned from time to time.

MR. DISRAELI: Sir, we have now been listening for nearly six hours to a series of speeches delivered by some of the principal supporters of Her Majesty's Ministers, which have been devoted to criticisms upon some of the most important Members of the Administration, and the policy which they have of late been pursuing. Sir, I do not know that I should have been tempted to appeal to you at all upon this occasion had it not appeared in some degree that to a suggestion thrown out by myself we are indebted for a great portion of this debate. It is true that when the noble Lord and his colleagues gave notice of their intention to ask for this Vote of Credit, I did express my hope and expectation that the noble Lord would be able on this occasion to assure the House that it would have an opportunity of meeting at the latter end of the year, some little time before our usual meeting, in order to be well acquainted with the state of affairs, and so exercise that control, often desirable and salutary, over the conduct of the Minister, or do that which the presence of the House of Commons can often do to the advantage of a Government — namely, aid and, if need be, stimulate them in the moment of trial and exigency. I was not aware that that was a very unreasonable or unprecedented suggestion; and I did hope that the noble Lord might have found it convenient to tell us that he and his colleagues would feel it their duty to recommend Her Majesty to call Parliament together, probably in the month of November, for that purpose. The noble Lord, however, has not felt it his duty to follow that suggestion. But I think that the Committee will feel that it is not in any way an unreasonable proposition; and I do not see how its expediency can be better tested than by recalling the position of the country during the course of last autumn. Everybody must remember the great ambiguity in which public affairs last autumn were involved—the dissatisfaction, the doubt, the uncertainty, the hesitation which seemed to characterise the conduct of public men, and the course of public policy. I do not know that there was a more general feeling throughout the country at the end of last autumn, than the wish that Parliament was assembled to elicit some distinct expression of policy on the part of the Government, and to encourage the Government if their policy was found deserving of support. Well, Parliament did not assemble; but what did occur? No one can forget the catastrophe of Sinope, which happened at the end of autumn; and does anybody suppose that had Parliament been sitting some weeks before that unfortunate affair occurred—if, in consequence of the representations of Parliament, and the expressions of feeling elicited by its sittings, the British fleet had entered the Black Sea three weeks earlier than it did—who does not feel that the affair of Sinope, in all probability, would not have occurred? I imagine that to be an opinion not prevalent merely, but universal. Why, one of the greatest mistakes in all our course has been the delay that took place in the entry of the British fleet into the Black Sea. It is that delay which has led to the greater part of the difficulties with which we are now surrounded, and which we are still labouring to overcome. Therefore, in my opinion nothing could be more reasonable than when a country is involved in war, and a war of this character—a moment of exigency like the present—that Parliament should assemble, and by its presence exercise that control over the Minister, or give to him that support, which the state of affairs may require. Sir, it appears that the noble Lord who has last addressed us (Lord Dudley Stuart) is also of the same opinion, for he meditated a much stronger step than I did myself, as is evident from the details he has just given us. I do not myself exactly understand why the Government should have been so alarmed by the notice which reached them of the intention of the noble Lord, because, as the House had gone into Committee, and the Lord President had moved the Vote, it was not open to the noble Lord the Member for Marylebone to make a Motion of the kind that he has just referred to. Therefore, Sir, although we may not have been able to-night to advance much towards the attainment of that object, of which I believe the country generally highly approves, namely, a reassembling of Parliament at the end of autumn; still I think this will have not become an insignificant night in our deliberations, for it has been one pregnant with most important declarations on the part of Her Majesty's Ministers. Now, Sir, though we have not had a promise from the noble Lord the leader of this House that he and his colleagues will recommend Her Majesty to summon Her Parliament at an earlier period than usual—we have had to-night from the organ of Her Majesty's Government in this House a distinct announcement of the definite objects and purposes of the war in which we are now engaged. We have had before in this House discussions upon the cause of the war. I shall not now dwell upon that subject. I have expressed my opinion upon it. I am not ashamed to say that I still adhere to that opinion. I think that the cause of this war is the discordant materials of which the Government is composed. I think the war has been caused by a Coalition Government, and I believe there is no opinion more generally accepted than that. I know very well that you may say that the war has been produced by the ambition and by the aggressive action of Russia; but the ambition of Russia might have been checked without war—its aggressive action might have been restrained without war. You might have had recourse to the same means to which you had successful recourse before, and obtained your object without involving the country in this great conflict. However, Sir, I do not think it is now necessary for us to inquire too much into the cause of the war. I am sure that I have ever refrained from alluding to the conduct of the war. So long as the Government appealed to the confidence of Parliament to conduct that war in which they had recommended their Sovereign to engage, I felt it to be our duty to extend on that subject to the Government no niggard confidence. I have felt it my duty to agree to every Vote for which they have asked, and to avoid any criticism upon any part of their conduct with respect to the war which might easily have been provoked. I hardly know of any course from which the House of Commons should more rigorously refrain than from that of eagerly criticising the conduct of the commanders of expeditions. I know very well that under any circumstances the commencement of a great war like this must be subject to many accidents which the greatest foresight, the amplest resources, and the utmost prudence and discretion could not prevent; and I am sure that after sitting here six months canvassing the cause of the war, which I think we had a legitimate right to do, no one can accuse any Gentleman on this side of the House of obtruding criticisms upon the conduct of the war. We, of course, reserved to ourselves the right of forming an opinion with regard to that subject; even if we did not express it, we reserved to ourselves the right, when the fitting occasion should arrive, of not being precluded from such an expression of our opinion by being reminded that at the time we did not make any contrary observations. I only assert the privileges of Members in making this remark; but certainly so far as affairs have at present proceeded no word has escaped my lips, nor do I recollect that they have escaped those of any other hon. Member on this side of the House, which could throw any impediment in the way of the prosecution of the war in which we are engaged, or which could place it in the power of any Administration to say, in case consequences, it may be of a disastrous character, should occur, that it was the captious criticisms of the Opposition which prevented them from obtaining that support from the people, and from inspiring that spirit into our commanders, which are so necessary in such an emergency. But, Sir, though we have our opinion as to the origin and cause of the war, and though we have abstained from expressing any opinion upon its conduct, I must say that I have listened to-night with some degree—I will not say merely of surprise, but of consternation—to the announcement which the noble Lord has made this evening of the complete and absolute resolution at which the Cabinet has arrived as to the objects of the war, and the only terms upon which peace is to be concluded. Now, do not let me misrepresent the noble Lord. I understood him, in order that he might justify this Vote, in order that he might disarm all opposition —I understood from him—that he was going, without reserve, to allow us to be the partners of the secrets of the Cabinet. I understood the noble Lord to say that the House should understand clearly what the objects were which the Government proposed to themselves in the conduct of this war, and without the accomplishment of which they would not be satisfied. The Principalities of Wallachia and Moldavia, in the first place, are not to be permitted to come again under the protectorate of Russia. The second point is, that the strong fortress of Sebastopol is to be destroyed, and the Crimea to be conquered and occupied—indeed, the last is of course the necessary consequence of destroying Sebastopol. Sebastopol, then, is to be destroyed, as I understand from the noble Lord—

LORD JOHN RUSSELL: I may as well state that what I said was, that I thought Russia could not be allowed to maintain the menacing attitude which she has lately done by keeping so large a fleet at Sebastopol.

MR. DISRAELI: Well, Sir, I think I shall have done some good in rising, for I appeal to every hon. Gentleman, wherever he sits in this House, and whatever may be his opinions, whether he has not been for the last six hours in a fool's Paradise —whether every speech that has been made, and every vote that has been refrained from, has not in fact been actuated by an idea totally different from that to which the noble Lord now gives expression. Without questioning in any way the accuracy of the words which the noble Lord has just used, I must repeat the expressions which I mistook him to have used, and I must then contrast them with the authorised version; and I will say it is one of the most remarkable misapprehensions which I have ever fallen into; and the only thing that consoles me under the mistake is, that of the hundreds of Gentlemen present, with the exception of those who occupy the Treasury bench, they must all have fallen into the same error as myself. I thought I heard the noble Lord say that one of the great objects of the war, and the accomplishment of which alone would satisfy the Government—as it certainly seemed to satisfy the House, and from some opinions that have been expressed will also satisfy the country—I thought it was that that great fortress which dominated over the Black Sea was to be destroyed, and the Crimea to be no longer left in the possession of Russia. I will afterwards advert to the observation which I was about to make before I was corrected, in answer to the noble Lord on that point; but what the noble Lord now says is, that this is a mistake, that I was dreaming in company with the vast majority of the House of Commons, and that instead of saying that, what he did say was, that Russia was no longer to be permitted to keep so large a naval force in the Black Sea. Why, Sir, I thought the noble Lord said, although not in language so express, precise, and definite, as the fanciful quotation which I made from his speech respecting Sebastopol and the Crimea—I thought the noble Lord, speaking for an united Cabinet, was also going to free the mouths of the Danube, and even to take away Bessarabia from Russia. I thought I heard all this—I thought also that I heard, about the same time, that a speech was made in another place by the head of the Government, as well as the leader of the other House, couched in a very different tone, and conveyed in very different expressions. I know that when the news arrived in this House of what had there passed, there was a feeling of great distrust, perhaps of habitual suspicion; but all found consolation from what had fallen from the noble Lord in our own House—from the Minister who sits in the House of Commons, speaking to the representatives of the people; and they defied what might have been said in another place, upheld and encouraged by the noble Lord in language which we all admired at the time, and which, in my opinion, had only one fault—in being the fancy of my own imagination—but which I will only refer to, to show how completely we must have misconceived the statement of the noble Lord. Because I was about to remark, in answer to the statement of the noble Lord of the purposes of the united Cabinet, that though I was not disposed to enter into any discussion now as to the policy of taking Bessarabia, of depriving Russia of the protectorate of the Principalities, or of such great feats of arms as the destruction of Sebastopol and the conquest of the Crimea—though I was not disposed to enter into a discussion on such a course, or of the conduct of the Government, or of its allies—still I was about to say that I did think, with due deference to the noble Lord, that it was not the most prudent speech that ever was made. I did think that, whatever were the intentions of the united Cabinet—especially if they were of the colossal nature which as the noble Lord apparently, to my deceived ear, expressed to-night—it would have been perhaps more prudent if he had not exposed them with such complete frankness, and in a manner which hardly becomes us in the position we now occupy in those countries. I should feel I was performing an unworthy task if I were to criticise in an invidious spirit the conduct of our troops and commanders; still, when the noble Lord—as I imagined—did express those brave words, so much, as I thought, "in Ercles' vein," I did think that, when our troops could not go fifteen miles from Varna, it would have been wiser if the noble Lord had not pledged the united Cabinet to those objects as the decided and definitive policy of Lord Aberdeen's Government. I say, then, that this discussion has become a very important one, if I have been mistaken in what the noble Lord said. I thought it important before, because we had, through the noble Lord, the authoritative statement of the policy of the Ministry. Let the Committee remember how that statement was made. It was not made in the heat of debate; it was not made in reply to taunts and sarcasms, such as we sometimes hear as an excuse for statements in this House which are not warranted in fact;—but the noble Lord gave a most important notice on a most important subject, namely, the conduct of the war—for testing, as he said, the confidence of Parliament;—and I have a right to refer to his speech, as an authoritative statement of it has appeared. Well, the noble Lord gives a notice; he takes ample time; late as is the Session, the House is full, to hear from the lips of the head of the Government in this place, this important statement on this most important subject. The noble Lord's speech is characterised with a fervour of feeling and a frankness of expression, according to the general feeling of the House, seldom exceeded; and so far as the tone of that speech could influence—I will not say the passions, but—the opinions and convictions of the House, it was perfectly successful. One after each other, Gentlemen have got up and spoken. Some of them have disapproved of Members of the Administration who are not in this House; some of them have disapproved of the places which others of them in this House occupy in the Cabinet; some have disapproved of the management of the Commissariat; some of them have disapproved of there not being flat-bottomed boats in the Baltic; but all have agreed that the tone of the noble Lord—the distinct manner in which he detailed to them the purposes and objects of the Government in the war they were conducting—was not only satisfactory, but more than satisfactory—more than they expected to hear; and yet, though we have now discussed this important question for six hours, we now find the noble Lord never made this important declaration—we now find that this statement of the definitive policy of the Government is a mere illusion; and therefore I have a right to ask the noble Lord—what is your policy—if you have a policy? Now, Sir, I have had some experience in this House, and see many Gentlemen here who have had more experience than myself. Very strange scenes have sometimes occurred here, and very startling speeches have been made; but this I say in all sincerity, in my Parliamentary experience nothing has ever occurred so remarkable as this imaginary speech of the Lord President—which has occasioned a debate of six hours—which has satisfied the House of Commons—which is to satisfy the country—and which we now find, exactly at midnight, was never made. But is this all? Why, the noble Lord was careful in informing us that he was not only speaking for the Cabinet—and in the course of the evening he was asked by astonished Members whether he was really speaking for the Cabinet, for they could hardly trust their ears during the whole debate—the noble Lord not only said he made this statement on the authority of the united Cabinet, but he also informed the House and the country that he had reason to believe that the French Government entirely agreed with Her Majesty's Ministers in their resolution to achieve the same purposes and to obtain the same terms. Is that an imaginary statement too? The noble Lord shakes his head. I understand, then, that the noble Lord did not make that announcement of the feelings of the French Government. That also is a passage to be obliterated; for it depended on his previous sentence. I am sure I have not the least intention to descend to a cross-examination of the noble Lord—that is not an art which I can pretend to practise; but the noble Lord must admit, that if he did make a communication respecting the French Government, he may probably have been dreaming when he made that communication, instead of supposing that I was dreaming when I referred to it. But there is no end to the mystification in which the House has found itself in consequence of this speech of the Lord President which was never made. Here we are at the end of the Session. We have had a year and a half of doubt and perplexity. I will venture to say, never in this country before has there been such a continuous period of perplexity of the public mind as in regard to the policy we were pursuing towards Turkey and Russia, and the purposes of this war. We are now arrived at the end of this Session. We were told we were to receive full compensation for all this obscurity—all this want of information—all this perplexity, hesitation, and uncertainty—and yet it appears to me there never was a period in which we were more involved in perplexity, in which the policy of the Government was more uncertain and obscure, and our prospects more visionary and fluctuating, than the present. When the House met at the beginning of the year, after that painful autumn, we all recollect when there was the first Parliamentary expression to the Government, reflecting with accuracy and without exaggeration the public opinion out of doors at that time; when we dwelt upon the vacillation, the infirmity of purpose, the impulses of a more suspicious character, which had brought about a result so little satisfactory to the people of this country, how were we met by the Government? The Government took the first opportunity, on the first debate, which must have been, I apprehend, on the Queen's Speech, or at least very early in the first week of the Session, of having their case stated in this House by one of the gravest and weightiest Members of the Cabinet—the First Lord of the Admiralty. What did the First Lord of the Admiralty say six months ago? The First Lord of the Admiralty, with that specious power which he has, admitted all those accusations and imputations which were made, or at least the justice of the grounds which the public had for complaining, and the Parliament for representing. He said there had been delay, and much, no doubt, that appeared unsatisfactory; "but," said he, "we have gained a great object—we have gained the co-operation of the German Powers." That was the statement of the right hon. Gentleman six months ago. Well, for six months we have been kept in the same doubt respecting the co-operation of the German Powers. I think myself that those who are well informed, especially of late, have had somewhat faint hopes of any very fortunate issue in that respect. But what happened to-night? The noble Lord made that statement, or rather I imagined, in a hallucination, the noble Lord to have made a statement which he did not make, about the dismemberment of Russia—about a change in the territorial arrangements of Russia, the destruction of Sebastopol, the conquest of the Crimea and Bessarabia; and what were the arguments of hon. Members on that side of the House, and especially of the hon. Member for the West Riding? Why, the most remarkable of the arguments of that hon. Gentleman was, that "this is a most important announcement of the noble Lord, and fills me with the greatest alarm, for the whole policy of the German Powers is based on this position—however you may mitigate the stipulations in other respects—that the territorial *status quo* of Russia must be preserved; and now the Government, through the noble Lord, have stated to-night that they have changed their policy, and will not recognise the integrity of Russia; the Government have told us that certain provinces are to be taken from Russia, but they have not told us to whom they are to be given." "But," added the hon. Gentleman, "what hope then have we of this co-operation of the German Powers?" If the noble Lord never made that statement, he must have thought the hon. Gentleman the Member for the West Riding was talking in his sleep. Why did not the Treasury benches call "Question"—why did they not terminate his discourse—why did not some one pull him by the coat, and say, "What are you talking about? Who said anything about our taking the Crimea? There 's not a word been uttered on the subject. What the noble Lord said was quite different." It is only to be hoped that the strangers in the gallery and others who have heard the debate have not been mystified by the Lord President, as we in the body of the House have been, or there is no knowing what mischief may be done before the noble Lord's explanation gets abroad. Consider the alarm that might have been produced on 'Change to-morrow, that the manufacturers of Manchester and the merchants of Liverpool might have suspended their operations, what would would have been the price of Consols to-morrow, if, fortunately, I had not risen and represented the general misconception of the House, and had given the Lord President the opportunity of making a statement which, I trust, will be widely circulated, and from which we now learn, on the highest authority, that the policy of the Cabinet, with respect to the Turkish empire, is not of that dangerous nature which the noble Lord, from circumstances, allowed us for a moment to believe, but that the same mild policy which has been pursued from the beginning will, I doubt not, be pursued to the end. But then I do think it of very great importance, after the misconception that has occurred, that we should clearly know from some Member of the Cabinet—and, as we are in Committee, I hope from the Lord President himself—what he really wishes us to believe that he really did say. As confidence in the Administration is the fashion of the day, I shall be too happy to take the noble Lord's last edition, or his last version of this great manifesto which he has delivered to-day, without the slightest doubt or reserve. But a great deal of mischief may have been done in the interim. We live in an age of electric telegraphs. There is a telegraph communicating with Warsaw, I believe—I am not sure that it does not reach St. Petersburg; and, for aught I know, the imaginary speech may be running through Europe at this moment. It is also of importance that the most popular medium of the political information of the day should, at the earliest moment, be enabled to send forth positively the noble Lord's latest version of what he did say, or meant to say. And let me just call the attention of the Committee to the extraordinary position in which Parliament has been placed throughout this Session by the speeches of the leading Ministers of the Crown on our foreign policy, which have been delivered in places where the most clear statements ought to be made—the two Houses of Parliament. Why, a noble Lord in another place, the leader of the Government, made a statement—I did not hear, in that case, that it was an imaginary statement—that excited the indignation of the assembly to which it was addressed, and of the whole nation—the whole people of England. It was very contrary to the statement which we imagined, till just this minute, we had heard this evening from the noble Lord opposite, which excited the admiration of the House, and which to-morrow we supposed would meet with the approbation of the people of England. But allow me to remind the House, that the noble Lord in another place—though he did not pretend for a moment that what he said was imaginary, that what his hearers supposed he said was an hallucination on their part—did, when he found that what he had said created alarm in the country, recall and recant what he had so said. Though the noble Lord was guilty—if it were guilt—

of making that first speech which so agitated and alarmed the people of this country—still, I cannot for the life of me understand how that noble Lord erred more than the noble Lord here (Lord John Russell), who has the art of making speeches which convey to the House of Commons, on important subjects, results exactly contrary to those which he intends; because, so far as I can now understand the policy of the noble Lord, there is no difference between the policy which the noble Lord now professes and the policy which was professed in that first speech made in another place by Lord Aberdeen, and which he was obliged, as it were, to recall and recant. What does the noble Lord say? The noble Lord says that peace is not to be for a moment consented to unless the protectorate of Russia over the Principalities is abolished — no very difficult task I should think, under present circumstances, and not requiring a grand alliance; that Russia, under a treaty — of course under a treaty—should not possess in the Black Sea more than a certain number of ships of war at all times—about the most difficult treaty of all kinds to put in practice. But of course it is quite premature to descant on the merits of such a capitulation. The noble Lord cannot, I think, pretend that there is any great difference—and I do not think that hon. Gentlemen in this House who make such painful distinctions between the position and the policy of Lord Aberdeen and the position and policy of some of his colleagues are acting with frankness and fairness to Lord Aberdeen if they persist in them. I do not pretend to be a supporter or admirer of Lord Aberdeen, but I cannot say that I at any time admire the Parliamentary policy that would make a distinction between the responsibility of an individual Member of a Cabinet apart from that of his colleagues under any circumstances. But I go further in the present case. I say that the policy which Lord Aberdeen has recommended, or has announced and follows, does not appear to me, after the noble Lord has informed us that the statement which I imputed to him has no foundation whatever, but is purely imaginary—I say it does not appear to me that the policy of Lord Aberdeen, enunciated in the first speech to which I have referred, substantially, upon this all-important subject, varies from that of the noble Lord opposite. Well, Sir, that is some satisfaction to the people of England. We have not a divided Cabinet. We hear at last as the Session closes, that they are in unison upon one subject; and, so far as the conduct of the war for small purposes, so far as having for the great object of their policy a mean and insignificant end, Her Majesty's Ministers, though they are a Coalition Ministry, appear to be unanimous.

VISCOUNT PALMERSTON: I certainly hope, Mr. Bouverie, that that event which the right hon. Gentleman who has just sat down has announced as probably taking place at the present moment, may in fact, be realised, namely, that what has been passing in debate this evening is already flying upon the wings of lightning to the capital of Russia; for I think it will be news which will place the Power with which we are contending in that same embarrassment and difficulty, between admiration and consternation, in which the right hon. Gentleman has stated himself to have been thrown by the speech of my noble Friend. I think that when the people of Russia find, that upon an occasion on which the British Government has been making a solemn appeal to the Parliament of England for confidence and support, during the period—whatever it may be—when by the ordinary course of events it is divested of the daily countenance and support of Parliament, and when they find that that appeal has been met only by criticisms upon what some hon. Members conceive to be a want of energy here or there, or an insufficiency of vigour in conducting the war—when they see the unanimity with which the great objects which this country has engaged to accomplish has been approved by the representatives of the people of England—I think that they will be struck with admiration at the generous and manly feeling of the country, and will see with consternation the absence of any material difference of opinion as to the main points of the struggle in which the nation has engaged. The right hon. Gentleman has asked us what is our policy? I might, I think, postpone answering that question until he shall have made up his mind as to whether the announcement my noble Friend has made excites his admiration or has overwhelmed him with consternation. Perhaps it may do both; because, without imputing to leaders of Opposition any other feeling than that which naturally becomes their position, any statement from a Ministry that excites their admiration must also necessarily in some degree produce a feeling of consternation. Well, Sir, the right hon. Gentleman upon this subject—on which perhaps, if there did exist any material difference of opinion, the organ of the party out of power might have taken some large and comprehensive views of the policy of the country—might have stated views differing from those of the Government—and might have confirmed those views by great argument taken from international policy and European interest—the right hon. Gentleman instead has given us a very amusing speech, playing upon words—endeavouring to pick holes in an argument; and I am sure my noble Friend must have shared the satisfaction which all on this bench have felt when we found that, instead of meeting us with any hostile expression—which indeed would have been most painful for us to have heard—the right hon. Gentleman argued the question in a very agreeable and friendly manner, and merely turned his observations to produce some cheers and laughter from that side of the House, founded upon distinctions which—as I have already said—had no real foundation in what fell from my noble Friend. Sir, my noble Friend did speak as the organ of the Government. The opinions which my noble Friend expressed as to the objects and arrangements which could alone be considered as affording a sufficient security to Europe to be accomplished by the war—were opinions which are shared by his Colleagues. It would ill become anybody to argue in this House, to lay down beforehand what should be the especial result of operations which depend upon the chances of war. My noble Friend pretended to do no such thing. My noble Friend pointed out that the object for which we had engaged in this contest was the independence and integrity of the Turkish empire, and, at the same time, security for Europe against the recurrence of those events which have led to the present unfortunate state of things. That security must be accomplished by the united arms of England and France; I care not who else joins us, or who else may stand aloof. These two great countries—the two greatest military and naval Powers of the world—united in cordial alliance for the accomplishment of any object, are surely able, by their own energetic action, to accomplish such a peace as shall satisfy the conditions upon which we think the security of Europe shall be based. Sir, Gentlemen have found fault with different parts of the arrangements that have hitherto been made. Why, it is very natural that a country which has for a long period of time been enjoying uninterruptedly the advantages and blessings of peace—it is very natural that it should not be able to estimate all the difficulties which are incident to the commencement of a great war—a war to be carried on at a remote part of the world, whither a large military force has to be conveyed by sea with all the equipments which are necessary for the carrying on of its operations. Why, Sir, instead of thinking that any improper delay has occurred, I think that any man who knows anything of military and naval operations will agree that, considering the short period of time which has elapsed since the forces of England and France left their respective shores, considering the difficulty of transporting over such an extent of sea so large a military force, with all the horses, baggage, guns, and equipments which are necessary to enable it to carry on its operations—I think that the astonishment would rather be at the rapidity with which these operations have been conducted, and at the degree of completeness which they have already attained, rather than any feeling that any undue delay, or any want of proper exertion, had occurred. It will be found that there are at the present time in Turkey two armies, of English and French, as complete, I believe, and as fitted to accomplish whatever operations they may have to perform, as any troops that ever took the field. The commanders by sea and by land are men in whom the two nations may place their confidence, and without—although we are told that this is a council of war—without accepting the bait just held out to discuss the plan of the campaign, and to deliberate upon the operations of the war, I think that if the Parliament of this country have brought themselves so far to place confidence in Her Majesty's Government as to continue to them the conduct of the war, and to intrust them with the ample means which have been placed at their disposal, and moreover to give them that which is now asked to meet incidental and unforeseen emergencies, I think they are bound, at least, to believe that there will be no want of energy in the carrying on of operations—that there will be no want of judgment in selecting the object to which their operations shall be directed. I say, then, that it is satisfactory that, upon he present occasion, there exists in this House, upon the main and great points at issue, that same agreement of opinion which I believe to exist in the country at large. I can assure the House that my noble Friend, in speaking as the organ of the Government, has not overrated the determination of Her Majesty's Ministers to prove themselves worthy of the confidence which the nation and Parliament have placed in them; and that we do trust, that when Parliament meets again, be it sooner or be it later, it will have no reason to think that that confidence has been misapplied, or that the means placed at the disposal of the Government have not been employed for the purpose for which they were intended and voted. With regard to the meeting of Parliament, I am sure that none of those who have heard the manner in which my noble Friend has expressed himself in regard to the feelings of thankfulness which animate Her Majesty's Government for the generous support which we have received from Parliament in the course of these operations, can imagine, that if at any period during the recess circumstances should arise which would render it desirable that we should have the support, assistance, and advice of Parliament, there could be any hesitation on the part of the Government to resort at once to this House and to Parliament for that purpose. Every man knows that prorogations are only from time to time, and that, therefore, there is nothing to prevent Her Majesty's Government, if occasion should arise, from resorting, within the shortest possible period, to the assistance and the advice of Parliament. There can be no need, therefore, for any Resolution of this House, either to direct the attention of the Government to that subject, or to enable them to call Parliament together if they should think it expedient to do so. Sir, I should only hope, that, in whatever may remain of this discussion, this House will recollect that we are discussing this subject in the face of all Europe, that not only the character of the country, but in a great degree the moral position and influence of the country, depends upon the tone which is taken in this House upon matters of such great national importance; and although undoubtedly nothing has been said in this debate to tend in any degree to lower the moral and political influence of England in Europe in regard to these questions, I should hope that the final result will be that Europe—our allies and those who are our foes—our friends and our enemies—those who are with us and those who are against us—and those who are wavering between the two—shall see by the vote of this House that there is a settled determination on the part of Parliament and of the country that this war in which we have been reluctantly engaged—which has originated not from a Coalition Government, but from the reckless ambition of one man whose mind has been carried away by a course of successes which has led him to overrate the power of the country which he governs—that this war, I say, in which we have reluctantly engaged, but into which we have entered for objects of the greatest importance, not only to Europe, but to the civilised world—a war which can only be concluded except upon such terms as may justify the conduct of those who engaged in it, and may afford to Europe and to the world a fair prospect that, for a long time to come, we shall not be placed in a situation in which we may be compelled to make exertions of a similar nature for a similar purpose.

LORD DUDLEY STUART said, he thought that what had passed that evening had very materially altered the position of affairs. The noble Lord (Lord John Russell) had made a retractation, or what amounted to a retractation, of one portion of his speech; and as it appeared that a speech of a different character from that of the noble Lord had been made in another place by the head of the Government that evening, he thought that the House ought not to pass the Vote until they should have obtained further information with respect to the intentions of Her Majesty's Ministers, and until they should have been enabled further to consider what course they ought to adopt upon that subject. He, therefore, felt it his duty to move that the Chairman should report progress, and ask leave to sit again.

LORD JOHN RUSSELL:—Unless some Motion is made which will be either a reduction of the amount asked or a refusal of it, I cannot see on what ground we can be asked to report progress. The noble Lord says that I made a retractation of the speech I delivered in the early part of the evening. But I deny that I made any retractation whatever. I was stating in the speech what might be the terms of peace. I stated at the commencement of the Session, and I repeated to-night, that it was very unadvisable we should discuss the operations of the war, or speculate on what might be the result of those operations. I was not, therefore, speaking in any way as to the operations of the war. The hon. Gentleman the Member for the West Riding of Yorkshire (Mr. Cobden) said that we were holding a council of war, and that I proposed the capture of Sebastopol and the conquest of the Crimea, which was to be given to some new Power. I must say that I never stated anything of the kind. If the right hon. Gentleman (Mr. Disraeli) had not risen, it was my intention at the close of the debate, in answering different observations made in the course of the evening, to have noticed that statement of the hon. Gentleman the Member for the West Riding. I have no doubt that he mistook what I said; but certainly the difference is very great between a statement with regard to the terms of peace, which, if negotiations were entered into, might be asked as things at present stand, and a speculation as to the operations of the war, in which I never entered. What I said was, that I did not think Russia could be allowed to keep a position at Sebastopol which was menacing to the independence of Turkey; but the manner in which she was to be deprived of that position I left unexplained, as I thought it was my duty to do. I only said that there is at Sebastopol a naval force which is a perpetual menace to the existence of the Turkish empire. I cannot see why the discussion should now be adjourned.

MR. HENLEY said, he certainly understood what the noble Lord said very much as he said it now. The noble Lord, in his first address, had drawn a distinction between the proposals which would have formed a proper basis for negotiations before the war, and the proposals which would form such a basis at present; and he had understood the noble Lord, in drawing that distinction, to have stated that some alteration in the Crimea would be one of the bases of negotiations on which the Allied Powers would now insist. It appeared to him that under those circumstances the hon. Member for the West Riding had very naturally inferred that it was intended that an expedition should be directed against the Crimea. He (Mr. Henley) had certainly felt at the time that the announcement of the noble Lord was a very extraordinary one; and that announcement had, as he thought, very naturally misled the House.

MR. LAYARD had certainly understood the noble Lord to say that the large naval establishment in the Crimea should be done away with and destroyed. Considering that something of importance appeared to have been said in another place, and there would probably not be another opportunity of a debate upon this subject, he thought it of the utmost importance that time should be given for consideration, and he should, therefore, support the Motion of the noble Lord (Lord Dudley Stuart) that the Chairman should now report progress.

MR. GROGAN had heard the speech of the noble Lord, and the impression conveyed to his mind was that which had been attributed to the noble Lord. Considering that Parliament was about to be prorogued, and that we had embarked in what we were assured would be a most protracted and expensive war, he did not think they would be doing their duty in allowing this Vote to pass, and this debate to close, without a clear and explicit explanation of what was to be the policy of the Government with regard to the war. Had the statement of the Government been confined to that which had proceeded from the leader of this House, there might have been no reason for protracting this discussion; but considering that a directly contrary version of the policy and the intentions of the Government had, it seemed, been given in another place, Her Majesty's Government ought to have the opportunity of consulting together, and of telling the House to-morrow what was their deliberate and definite policy.

SIR JOHN SHELLEY said, he most distinctly understood the noble Lord to state that nothing but the destruction of Sebastapol would be a basis for peace, and he even turned to an hon. Friend behind and made him repeat what the noble Lord said. It was lucky for him (Sir J. Shelley) that he did not catch the Chairman's eye, for he intended to have risen and thanked the noble Lord for the gallant speech that he had made; and he could only say that he wished he might to-morrow read in the papers that the noble Lord had made such a speech. He did not wish it to go forth for a moment that there was any doubt that they were prepared to stand by the Government; and, as it seemed to him there would be another opportunity for taking the discussion, he suggested to his noble Friend that he should withdraw his Motion, and that the debate should be taken on bringing up the report.

Mr. BOOKER chanced to be standing at the bar in another place during the debate which occurred there this evening, and to his mind nothing could be so contradictory as the statements he had heard here and elsewhere. After the retractations to which he had listened, he was of opinion that an opportunity ought to be afforded for the Government to reconsider the expressions which had been made use of in this House, and for the representatives of the people to consider what course they should pursue.

Mr. HORSMAN thought the Motion for reporting progress placed the Committee in a position of some difficulty. The desire for further debate appeared a very reasonable one, but, on the other hand, the noble Lord had reminded them very properly that there was no objection to the Vote, and, without having any issue raised, the Committee would be acting rather inconsistently in adjourning the debate. It should be remembered that, as had been stated, there would be an opportunity to renew the discussion on bringing up the report, and he would suggest that at this stage the Government might arrange that an opportunity should be given to his noble Friend (Lord D. Stuart) to make any observations he pleased as to what had taken place here or elsewhere.

Lord JOHN RUSSELL said, he had no objection to adopt the course suggested by the hon. Gentleman if it could be made to agree with the arrangements of the House. The House was aware that Notices of Motion had precedence of Orders of the Day on Tuesday; but if they could fix the report on this Resolution, supposing it to be now agreed to, at six o'clock to-morrow, before the other business upon the paper, he should be quite ready to agree to this arrangement. As his hon. Friend had stated, this would present an opportunity for any hon. Member to raise this question again.

Mr. PETO: As one of those Members who had a notice of Motion upon the paper for to-morrow, was quite ready to give way in order to meet the suggestion. With regard to the mistake which had been alluded to, he certainly did understand the noble Lord not at all to express what the right hon. Gentleman opposite had represented him to have said. He had understood the noble Lord to say this—and only this—that Russia could not be allowed to maintain the menacing position she had maintained hitherto with regard to the Crimea and Sebastopol.

Sir HENRY WILLOUGHBY said, it was due to the noble Lord the Member for the City of London to state what his impression was. He had understood the noble Lord to state that it would be the bounden duty of this country and of its allies, in the event of a peace, to see that some security was taken that we should not be exposed to a similar incursion on the part of Russia in the East, and that certain precautions should be taken against such results, and, among others, that such questions should be considered as the protectorate of the Danubian Principalities, and also whether some precautions should not be taken against that menacing power which existed at Sebastopol at this moment. He did not consider it just to attempt to attach an extreme sense to what had fallen from the noble Lord.

Sir THOMAS ACLAND was under the same impression as to what had fallen from the noble Lord as the hon. Member who had just sat down. He hoped that the noble Lord the Member for Marylebone would not persevere with his Motion, as he felt perfectly sure that the effect of taking a division upon that Motion would be to create an impression, not only in the country, but also among the enemies of the country, that the House of Commons had no confidence in those to whom was confided the conduct of the war.

Lord DUDLEY STUART was perfectly of opinion that it was very desirable that unanimity should be displayed on this question; and if the noble Lord the President of the Council would give him a distinct assurance that the report of the Committee of Supply should be brought up at such a time as would afford him an opportunity of bringing the subject to which he had referred under discussion, he was willing to withdraw his Motion. He begged to say that it was his intention to move a Resolution to the effect that it was the opinion of that House that an Address should be presented to Her Majesty, praying that Her Majesty would be graciously pleased not to prorogue Parliament until She might be enabled to afford the House more full information with respect to the relations existing with foreign Powers, and of Her views and prospects in the contest in which Her Majesty was engaged.

Lord JOHN RUSSELL proposed to take the report of Supply at six o'clock this day.

He wished at the same time to say, that although it was gratifying to him that three Members of that House should have declared that they understood his observations in the sense in which they were intended, still he greatly regretted that there should have been such ambiguity in his mode of expression that other Members should have attached a different meaning to his words. He was aware that ambiguity of expression was a great fault in one whose duty it was to express the opinions of Government; but the Committee would consider that he was in the difficult position of wishing to afford all the information in his power, while at the same time he was compelled by duty not to say more than was absolutely necessary.

Resolved—

> "That a sum not exceeding 3,000,000*l.* be granted to Her Majesty, to enable Her Majesty to provide for any additional expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of all the Russias."

House resumed.

NUISANCES REMOVAL AND DISEASES PREVENTION ACTS CONSOLIDATION AND AMENDMENT BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD SEYMOUR said, he considered the principle contained in the Bill to be most objectionable, and he would press upon the noble Lord the Home Secretary the propriety of withdrawing it, and either bringing in a modified Bill, or deferring the subject until next Session. If the noble Lord would not accede to his suggestion, he should move that the Bill be read a second time that day three months.

MR. IRTON said, he would second the Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

VISCOUNT PALMERSTON said, the Bill had come down from the House of Lords, and a great portion of it was to consolidate existing enactments. It was proposed, however, to take certain additional powers, some of which would be found to be necessary, and others might be modified. Cholera had now made its appearance in the metropolis and other places in a severe form, and he felt that it was necessary to pass some such measure as this. If it was too late to discuss it now, and it was thought desirable, he had no objection to consent to the postponement of the second reading till Wednesday.

MR. HENLEY said, he thought it would be far better to withdraw the Bill altogether. The present law was extremely stringent, and he believed the additions contained in the present Bill would be found very objectionable.

VISCOUNT PALMERSTON said, that no one was less desirous than himself to give unnecessary trouble, and, though he thought the Bill would be beneficial, with certain modifications, he would not press the second reading in the present feeling of the House.

Question "That the word 'now' stand part of the Question" put, and *negatived;* Words *added;* Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, July 25, 1854.

Took the Oaths.—The Viscount Ponsonby.

MINUTES.] PUBLIC BILLS.—1ª Standard of Gold and Silver Wares.

2ª Criminal Justice (Metropolis); Drainage of Lands; Borough Rates; Sale of Beer, &c.; Reformatory Schools (Scotland); Ecclesiastical Jurisdiction; Stock in Trade Exemption; Inclosure, &c., of Land; Common, &c., Rights; Friendly Societies Acts Continuance; Spirits (Ireland); Burials beyond the Metropolis; Admiralty Court; Land Revenues of the Crown (Ireland); Highways (Public Health Act); Literary and Scientific Institutions; Medical Graduates (University of London); Judgments Execution, &c.

Reported — Public Libraries; Registration of Births, &c. (Scotland); Usury Laws Repeal; Returning Officers; Turnpike Acts Continuance, &c.; Jury Trials (Scotland); Friendly Societies; Royal Military Asylum; Poor Law Commission Continuance (Ireland); Heritable Securities (Scotland); National Gallery, &c. (Dublin).

3ª Registration of Bills of Sale (Ireland); Jamaica Loan; Sheriff and Sheriff Clerk of Chancery (Scotland); Joint Stock Banks (Scotland); Crime and Outrage (Ireland).

MEDICAL GRADUATES (UNIVERSITY OF LONDON) BILL.

Order of the Day for the Second Reading read.

LORD MONTEAGLE, in moving the second reading of this Bill, explained that its object was to extend to the Graduates and Bachelors and Doctors of Medicine of the

University of London the same right to practise in virtue of their degrees as is enjoyed by the graduates in medicine of the Universities of Oxford and Cambridge. This was no more than was the intention at the time the Charter was originally conferred on the London University. The second clause of the Bill was rendered necessary by the circumstance that two Acts had been passed during the last Session of Parliament—the Vaccination Act and the Lunacy Act—under which, on account of an oversight on the part of its authors in omitting the London University from its provisions, certain penalties had been incurred by medical practitioners who had graduated there, and from which they would be indemnified by this Bill.

Moved, That the Bill be now read 2^a.

The Duke of ARGYLL said, there was some difficulty in the way of dealing with the Bill in its present form; but he should be sorry to oppose its principle, for he thought the University of London ought to be placed on an equality in the matter of granting medical degrees with the Universities of Oxford and Cambridge, as was originally proposed. In the first place the Bill touched upon a subject of much controversy in the medical profession, namely, whether the licence for general practice should be given by the old licensing bodies, or whether the University degrees should carry with them the right to practise medicine. His own inclination was, he admitted, in favour of the principle that, under certain restrictions, the great Universities of the kingdom should have the power of granting licences to practise to medical graduates concurrently with giving them their degrees. So far he agreed with the Bill; but if the Bill passed now, it would settle the question of controversy only in a partial manner. A medical degree conferred by the London University doubtless implied a high amount of proficiency; but he contended that it would be unjust to extend the monopoly enjoyed by Oxford and Cambridge to the graduates at the London and Durham Universities, to the exclusion of the Universities in the North. He apprehended that, if those who were now so anxious to break up the existing monopoly were once admitted to a participation in that monopoly, they would not hereafter be so eager to put an end to it in favour of their Scotch and Irish brethren; and he thought it would be extremely unfair to give the privilege to the one and refuse it to the other. In his opinion the Bill ought to be limited to the second clause, exempting graduates of the Universities of London and Durham from the pains and penalties they had incurred under the Lunacy and Vaccination Acts of last Session, and that in that form their Lordships might agree to the measure.

Lord CAMPBELL said, he had contemplated moving in Committee the insertion of a clause to extend the provisions of the Bill to graduates of the Scotch and Irish Universities; he was willing, however, to accept the compromise of the noble Duke (the Duke of Argyll). The Scotch Universities did not wish to have any superiority over those of London and Durham, but, at the same time, they did not wish to be degraded below them. The effect of the present Bill would be to place the latter in a higher position, which was not fair to the Scotch Universities.

Lord BROUGHAM considered that there was no ground for not extending to the Scotch Universities the same rights and privileges which were proposed to be conferred upon the London University. He was surprised to find Durham University inserted at all in the Bill, which, though most excellently adapted for teaching all the other branches of knowledge, was totally unfitted for the teaching of medicine. The hospital practice at Durham must necessarily be very inadequate, and where there was not hospital practice, there could not be effective medical instruction. If Durham was inserted in the Bill, the Scotch Universities had ten times the claim to that distinction.

Lord MONTEAGLE briefly replied, and urged upon their Lordships the adoption of the Bill.

On Question, *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the whole House on *Thursday* next.

POSTAL COMMUNICATION (IRELAND).

The Earl of DONOUGHMORE rose to call the attention of the House to the present state of postal communication in Ireland. The noble Earl said that the present postal arrangement in Ireland had given rise to very great complaints on the part of the public; and various petitions had been presented from the south of Ireland on the subject. The fact was, that since the establishment of railways there had been less postal accommodation afforded to the people of Ireland than there was before that great improvement in the means of speedy transit. Even where railway communication did exist the Post Office authorities did not avail themselves sufficiently of the facilities for the conveyance of the mails. As an illustration of this, he might mention that, although there was a direct railway between Dublin and Waterford, the mails were carried by railway only so far as Malton, and thence conveyed for the rest of the journey by coach over very indifferent roads; thus delaying their arrival at Waterford several hours later than it should be. Another complaint made by the petitioners on this subject referred to the absence of day mails, from the want of which commercial persons suffered much inconvenience, and the Post Office sustained considerable loss from the transmission of letters as parcels. Another ground of complaint was, the inconvenience and delay which existed in regard to the posts between towns not upon the main line of communication. The Bishop of the diocese in which he (the Earl of Donoughmore) resided was in the habit of going to the seaside in the summer months, and in some cases it took four days for his letters to reach his clergy. In reply to his complaint, that the railways were not sufficiently used for the postal communications, he anticipated that his noble Friend the Postmaster General (Viscount Canning) would reply that the railway companies asked unreasonable sums for the conveyance of mails. In answer to this, however, he would say that the Limerick and Waterford Railway had offered to convey the mails between those places for a rate of remuneration lower than that which was paid to the Great Southern and Western Company, but that their offer had been refused. He thought he had at least made out a case for inquiry, and he hoped that the noble Viscount would make inquiries into these matters, and see if he could not make arrangements which would be satisfactory to the districts which now complained of want of accommodation.

VISCOUNT CANNING said, that while nothing could be further from his desire than to insist upon any arrangements which might be inferior to the due administration of postal communication in Ireland, he could not concur in the conclusions to which the noble Earl had come upon this subject, and should have to dissent from some of the statements which he had made in regard to it. Though it was true that petitions had been presented to that House upon the subject, yet they had all been from the south of Ireland. With the permission of the House, he would state a few facts to show that the noble Earl was in error when he accused the Post Office of having refused to allow the just claims of Ireland. The gross postal revenue of Great Britain was 2,294,000*l.* and the Post Office expenditure 1,204,000*l.*, or about 50 per cent of the revenue. The gross postal revenue of Ireland amounted to 198,000*l.*, and the expenditure to 185,000*l.* Therefore the management of postal communication in Ireland amounted to 93 per cent of the receipts, while in England it amounted to only about 50 per cent. Of the gross revenue for Ireland, only 17,000*l.* found its way into the Exchequer. In these figures he had stated the matter favourably to Ireland, because he had charged to Great Britain the whole expense of the packets between Holyhead and Dublin, amounting to 20,000*l.* a year, and that of the line between Chester and Holyhead, incurred on account of the Irish postage, amounting to 30,000*l.* In Great Britain the conveyance of a letter cost upon the average ¾*d.*; in Ireland it cost 1*d.* and one-tenth, showing that in Ireland the expense was greater than the receipts. In further evidence that Ireland was not treated unfairly, or subjected to any unnecessary disadvantages in regard to postal matters, he would refer to the amount of business that was transacted in the money-order department, and the privileges that were extended to Ireland in this respect. It was very generally acknowledged that this branch of the business of the Post Office was of very great service to all classes of persons; and, although it never was expected to increase the amount of the revenue to any large amount, yet it was always expected to meet its own expenditure at least. But what were the facts of the case with respect to Ireland and the money-order department in 1853? Why, whereas in England the money-order department brought to the Exchequer a profit of 14,000*l.*, in Ireland there was a dead loss of 770*l.* As to the question of direct mails, and Ireland being unfairly treated in this respect, such was certainly not the case, as a proof of which it might be mentioned that direct mails had been established in Ireland more than two months before they were established in England. Within the last twelve months a direct mail had been established between Dungarvon and Youghal, and between Youghal and Fermoy; and a direct coach mail also between Kilkenny and Thurles. At this moment negotiations were being carried on with the directors of the Great Southern and Western Railway for the acceleration of the mails, and many other improvements were under consideration. The noble Earl presumed correctly that he would be met on the question of expense; and, when the large prices were considered which the Irish railways demanded for the transit of the mails, this was scarcely surprising. The rate paid in England to the South Western and Great Western Railways for a day and night mail was 2*s.* 9*d.* per mile; the rate paid to the Great Southern and Western Railway in Ireland for a similar service, performed at a lower speed, was 5*s.* 6*d.*, or just double the amount. In England the average number of letters carried per week was 704,000; in Ireland it was 196,000. Therefore the price paid for an inferior service in Ireland was double that paid in England, while the number of letters carried was only about one-fourth. Although the offer made by the Limerick and Waterford Railway was moderate, compared with the charge of the Great Southern and Western, yet it amounted to 1,300*l.* per annum, while the postage of the letters whose transport it would have accelerated amounted to only 350*l.* Ireland had, unfortunately, not shown the same elasticity in regard to correspondence that had been exhibited in England and Scotland. In the case of Scotland, the reduction of the postage had been followed by a gradual increase in the amount of correspondence, so that, notwithstanding the difference of population as compared with Ireland, it had now reached in Scotland the highest point ever attained in Ireland. Though he could not promise to meet the arrangements proposed by the noble Earl, he would, nevertheless, be quite ready fully to consider any proposition that was submitted to him on the subject; but, at the same time, he could not hold out to him any promise that a largely increased use of the railways in Ireland would be had recourse to so long as the payment demanded by them greatly exceeded that which he was bound to say he regarded as a reasonable rate of remuneration.

Lord MONTEAGLE referred to the irregularities caused by the present system, and observed, with reference to the small amount of correspondence in Ireland, that one cause of this was to be found in the falling off of a million and a half of the population.

COMMUNICATION IN RAILWAY TRAINS.

Earl FITZHARDINGE rose to inquire whether the attention of Her Majesty's Ministers had been drawn to a late attempt to murder a policeman in a railway carriage? and whether, in consequence, they had any intention to introduce a measure to compel the railway companies to adopt some means of enabling the guard to communicate with the engine driver when trains were in motion? The noble Earl then referred to a circumstance which occurred, on the 10th May last, upon the Manchester and Sheffield Railway, and which had been noticed in all the public papers about that time. The facts were shortly these:—While two prisoners, who were handcuffed, were being conveyed upon that railway, in custody of a policeman, one of them succeeded in removing the handcuffs from his wrists, and in effecting his escape by jumping from the carriage. The other attacked the policeman, beating him about the head and body with his irons, and inflicting severe wounds. A fearful struggle took place between the two, the policeman vainly endeavouring by his cries to obtain assistance. Although seriously injured, he succeeded in retaining the custody of the prisoner until the train stopped at the usual station, where the necessary assistance was afforded him. At the trial which took place, it was clearly admitted that there was no means at present of communicating with the driver to stop the engine, unless he happened to look back. It, therefore, became necessary that legislation should be resorted to, in order to compel railway companies to furnish the means of communication between the front and rear of a train, or between the driver and guard; for, as matters now stood, the surest place in which a man could with impunity commit an offence of the greatest magnitude, such as murder, robbery, or violence to women, was a railway carriage. It was generally said, that there were insurmountable difficulties in the way of effecting this communication between guard and driver. He, however, was unable to see why that should be; for he had been informed that neither Mr. Brunel, Mr. Stephenson, or Mr. Locke shared in that opinion, and that, on the contrary, they believed all the difficulties in the way might be easily overcome by mechanical contrivances. He trusted, then, that of not this Session, at least next Session of Parliament, the subject would be taken up by the Government with a view to legislation.

Lord STANLEY of ALDERLEY was fully sensible of the importance of the subject which the noble Earl had brought under the notice of the House, and he could assure him that it was a matter which had received the fullest consideration of the Government. The noble Earl was aware that a Committee of the other House of Parliament had been appointed to consider the subject of railway accidents, and that that Committee had strongly recommended that it should be obligatory on railway companies to establish some ready and easy communication between the guard and the driver. The railway companies themselves had also expressed their readiness to adopt any scheme that might best promote the object aimed at. It was highly desirable, however, that whatever mode was adopted should be applicable to all railways alike, and be adopted on fresh lines as they were constructed. He believed a mode had been adopted on the South Western line of communicating with the driver by means of a rope running along the carriages, and worked upon a winch at one end. A report had, in the course of the present year, been made to the Board of Trade by Captain Wynne, on the subject of Professor Gluckman's invention, in which he stated that Professor Gluckman had satisfactorily established an effective means of communication between guard and driver. That plan had been tried for a short time on the North Western Railway, and had been in operation for about four months on the Great Northern line: — and in a second Report of Captain Wynne, which he had seen, his opinion of the invention was still satisfactory; and he might state that he had himself been informed that evening by a Member of the other House, connected with the London and North Western Railway, that that company was under an engagement to use Professor Gluckman's patent. As the noble Earl probably knew, a Bill had been introduced into the House of Commons this Session into which a clause was introduced making it compulsory on railway companies to establish the means of communication between the guard and the driver; but the precise mode in which it was to be accomplished could not be pointed out either by the Government or the Legislature—it must be left to the companies themselves. From the great pressure of business the Bill had been withdrawn. He might say, however, that in the next Session of Parliament a Bill would be presented to their Lordships to carry that object into effect. At the same time it was but fair to state that they had ample evidence to show that the officers connected with the various railways manifested the greatest possible care to provide against accidents, and that they paid the utmost attention to the management of the railways committed to their care; inasmuch as that during the last six months not one fatal accident had occurred from causes over which the companies could have any control.

Earl FITZHARDINGE was quite willing to join in testifying to the efficient manner in which railways were now managed; at least, nothing could be more complete than the arrangements of the Great Western Company, which was the line he was best acquainted with. But all those arrangements had reference merely to the prevention of accidents; and, therefore, allusions to them bore in no way upon the evil which he wished to see remedied—namely, the perpetration of great crimes in railway carriages.

Lord CAMPBELL thought that the public ought to be very much indebted to the noble Earl for having brought the subject under the notice of their Lordships. He must say there was very great reason to complain that the Bill on the subject of railways alluded to by the noble Lord had not been laid upon their Lordships' table. The Session before last he himself had pointed out several defects in the law relative to railways requiring to be urgently corrected. Amongst other points held out by the Judges as requiring a remedy was, that railway companies were not held liable for anything done by their servants, although those servants acted under the most complete idea that they were but fulfilling the orders given to them; and, therefore, unless it could be proved that a particular act was done by the authority and under the seal of the company, the injured party had no remedy against them. On a recent occasion, a respectable tradesman, who had provided himself with a return ticket, happened to return by an express train, when, on landing on the platform, a demand was made on him by a servant of the company for a sum of half-a-crown additional, in consequence of his having journeyed by an express train. On the man demurring to comply with the demand, he was actually conveyed away, and locked up in jail for twenty-four hours: and when, subsequently, he brought an action against the company for false imprisonment, he could get no redress, because it was contended that the servant had acted beyond his instructions. Now, he (Lord Campbell) had ventured to point out on that occasion, that it would be most reasonable that a railway should be held responsible for the acts of its servants, where it could be clearly shown that they believed they were *bonâ fide* executing the orders of their employers. He was very sorry that the intention of the Government had not been carried into effect in reference to railway legislation, and the circumstance of the delay only served to remind him of the existence of a certain place said to be paved with good intentions. But the fact was, the whole machinery of legislation seemed wholly out of gear this Session of Parliament, and the public interests had suffered accordingly.

Lord STANLEY of ALDERLEY reiterated his assurance that legislation this Session had only been thrown over in consequence of the pressure of business. The noble and learned Lord, however, might rely upon it that a measure would be introduced next Session of Parliament.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 25, 1854.

Minutes.] Public Bills.—1° Acknowledgment of Deeds by Married Women; Marriages (Mexico).
2° Bankruptcy; Cinque Ports.
3° Land, Assessed, and Income Taxes.

BRIBERY, &c., BILL.

Order read, for resuming adjourned Debate on Question [24th July]. That the Clause,

> "(And whereas doubts have also arisen as to whether the giving of refreshment to Voters on the day of nomination or day of polling be or be not according to law, it is expedient that such doubts should be removed; Be it Declared and Enacted, That the giving, or causing to be given, to any Voter on the day of nomination or day of polling, on account of such Voter having polled, or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be held and be taken to amount to bribery or treating, as the case may be within the meaning of this Act,")

Be now read a second time.

Question again proposed. Debate *resumed.*

Lord Campbell

Mr. WALPOLE said, he must take that occasion to express his dissatisfaction with the clause proposed by the noble Lord the President of the Council, providing that refreshment given to a voter on the day of polling, or the day of nomination, should be regarded as an act of bribery, or of treating within the meaning of the Act. He submitted to the House that such a provision was too severe and stringent, and that it greatly exceeded the requirements of the case. It was a clause which did not present any analogy with the practice and general conduct of the Members of that House; for nothing was of more usual occurrence than that political leaders in that House—such, for instance, as the noble Lord the President of the Council, or the chief of the Opposition, should give dinners to their supporters. If a Member of the House of Commons were to be allowed to give a political dinner to his supporters, why should not a candidate be permitted to entertain his constituents at breakfast on the day of the election? He begged of the noble Lord to consider the propriety of withdrawing a clause which public opinion did not approve, nor any public exigency require.

Mr. THORNELY said, he was in favour of the clause, being distinctly of opinion that it was no duty of a candidate to pay any of the expenses of the voter, whether as regarded refreshment or travelling expenses. If refreshments were to be permitted in any form, however mitigated, the door would be opened for all those practices of riot and prodigality which had, unfortunately, brought so much discredit on the electoral system in this country.

Mr. TATTON EGERTON said, he thought that moderate refreshment ought to be allowed, at all events at county elections, to voters who had travelled many miles to record their votes. The greatest political purist in the country could not, with any colour of truth, contend that any prejudice could result to public morals or to the public welfare, by allowing candidates to give luncheon, or refreshment of some trivial kind, to an elector who might have undergone much fatigue and inconvenience for the purpose of discharging a public duty. Such inordinate severity, he considered, would only defeat its own purpose.

Mr. STANHOPE said, he wished to know, if this clause became law, how voters were to be got to the poll? Was it expected that poor men would come ten miles and upwards to the poll, having afterwards to pay for their refreshment, besides sacrificing the value of their day's work? He believed any hon. Gentleman who had ever contested a county would tell them that it was positively impracticable to get those persons to the poll without giving them some moderate refreshment. If they made the law as stringent as it was proposed by this clause, they would have all classes evading it.

MR. HEYWORTH said, if they wished to obtain a great principle, they must be prepared to submit to some sacrifice. Although it might be very disagreeable for a candidate to be unable to show his friends hospitality, yet the disadvantage would be more than compensated by the increased purity of election, for he believed a man could not give a farthing to a voter without degrading him in his own eyes.

MR. M'CANN said, he regretted that the noble Lord had gone so far wrong as to allow travelling expenses, and if he consented to allow the introduction of a new system of bribery, by means of refreshment tickets, he should feel himself obliged to vote against the declaration.

CAPTAIN SCOBELL said, he approved of the clause, believing that the sanctioning of refreshments would vitiate the whole Bill, by opening the door to all manner of deception and collusion on the part of the election agents. He was decidedly of opinion, that if any such provision were introduced into the Bill as would interfere with its effective operation, the consequence would be that the country would call for the ballot in a voice that could no longer be resisted.

Mr. E. BALL said, he should support the clause, for if candidates were to be allowed to give refreshments in any proportion, however small, excess would sooner or later be the consequence, and it would be impossible to prevent the recurrence of those scenes of intoxication and crime which were a disgrace to this country. His election cost him nothing. He would never enter that House if obliged to have recourse to such means. The more efficient way to secure a pure constituency was by sending Members to that House free of expense. He was ready to support anything by which corruption should be diminished, and the purity of that House secured. He should vote against treating in any shape whatever, for to permit it in any form would be to let in the narrow end of the wedge.

MR. BARROW said, he thought that the elector ought under no circumstance to be bribed or rewarded for the exercise of his franchise, but it was only fair that he should be relieved from expense in regard to the discharge of that duty. The poor elector made a sufficient sacrifice when he sacrificed his time for the public good, but he thought it would be too much to expect that he should also defray his own expenses in the matters of refreshment and travelling.

Question put.

The House *divided*:—Ayes 77; Noes 35: Majority 42.

Clause read a second time.

MR. BANKES then moved an Amendment for the insertion of certain words in the clause, the effect of which would be to legalise the allowance of refreshments which were reasonably incidental to the travelling expenses of the voters.

MR. HILDYARD seconded the Amendment.

Amendment proposed in line 7, after the word "refreshment," to insert the words "not being refreshment reasonably incidental to the travelling expenses of such voter."

LORD JOHN RUSSELL said, the object of the clause which he had moved was to put an end to uncertainty on this subject, but he was afraid the Amendment proposed by the right hon. Gentleman, if adopted, would lead again to that uncertainty which it was so desirable to do away with. It would be very difficult to say what were expenses reasonably incidental to travelling, and, supposing at a county election 100 voters were assembled in a tent, it would be extremely difficult to discriminate between those who came a long distance and those from the neighbourhood. He could not, therefore, accede to the proposal.

MR. PHINN said, he was against the clause, and if he thought it would stand ultimately he should vote for the Amendment.

SIR FITZROY KELLY said, that although he had every wish to put down treating as well as bribery, he thought it would be carrying legislation too far if they rejected the Amendment proposed by his right hon. Friend (Mr. Bankes). If the voter came a distance of a mile or two, he certainly ought not to be allowed refreshment, but it was different where he came from a long distance, in which case his travelling expenses ought to be freely paid; and he (Sir F. Kelly) did not see how they could refuse to allow him some reasonable refreshment, because in many cases the voter would come from distant counties—from Cumberland, Northumberland, Cornwall, and even Scotland and Ireland; and he asked, were such persons to be starved on the journey? If the object was merely to legalise the giving of refreshment to those who only came a few miles, he should oppose it; but, as he understood it only referred to such expenses as were reasonably incidental to travelling, he must express a hope that the noble Lord would give way on the point.

MR. J. D. FITZGERALD said, he believed that the object with which the present Amendment was proposed was already attained by the 24th clause, which authorised candidates to defray the cost of "bringing voters to the poll." Now he felt sure that the courts of law would construe those words to include his reasonable refreshment on the journey. It was, in fact, what was known to lawyers as a *viaticum.*

MR. SPOONER said, that at all events it was clear that the noble Lord had not attained the object which he said he had in view—that of settling the law on this point; for the hon. and learned Gentleman who had last spoken and the Attorney General had given directly opposite opinions on the question whether "travelling expenses" included the cost of the necessary refreshments taken by the voter on the journey.

MR. J. G. PHILLIMORE said, he thought the insertion of the travelling expenses clause a great mistake, and he hoped the noble Lord would not add another to the Bill by consenting to this Amendment.

MR. W. WILLIAMS said, the hon. and learned Member for East Suffolk (Sir F. Kelly) now proposed to open a wide door for corruption, which, if the Amendment was agreed to, would extend throughout the country. The whole of the mischief had been caused by the noble Lord (Lord John Russell) giving way to the insertion of the clause excepting travelling expenses from the operation of the Bill. If he was about to consent to this Amendment, he considered the noble Lord had better give up the Bill altogether.

THE ATTORNEY GENERAL said, that he still adhered to the opinion he had before expressed, that when they sanctioned the payment of the expenses of bringing a man from one place to another, they did not also sanction the expense of feeding him. He had himself voted against the clause authorising the payment of travelling expenses; but still he must admit that there was a great distinction between that and the payment for refreshments. A man must eat wherever he was, and therefore there was no reason why a candidate should defray for him a charge which he must otherwise have borne himself. His travelling expenses were, however, not an expenditure which he must necessarily incur, and there was, therefore, some—though he thought not sufficient—ground for relieving him from them. He should oppose the Amendment, believing it would open the door to corruption and abuses without end. It was not difficult to discover what a man's railway fare came to, and therefore to see what was the proper allowance for his travelling expenses; but it would be utterly impossible to say how much he should be allowed for refreshment on the journey.

LORD ROBERT GROSVENOR said, that everything that he heard confirmed him in the objections he entertained to the clause which authorised the payment of travelling expenses, and he therefore now gave notice that he would move its omission on the third reading of the Bill.

MR. HENLEY said, that it was his intention to support the Amendment, believing that it would remove the doubt and uncertainty which he thought existed as to what expenditure had been authorised under the cost of "bringing a voter to the poll." It was not at all clear whether these words authorised the payment of his hotel bill.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 61; Noes 113: Majority 52.

LORD ROBERT GROSVENOR then moved to leave out from the word "refreshment," in line 7, to the end of the clause, in order to insert the words "shall be deemed an illegal act, and the person so offending shall forfeit the sum of 40*s.* for each offence to any person who shall sue for the same, together with full costs of suit," instead thereof.

MR. HILDYARD said, he wished to point out that any one guilty of treating came within the 7th clause, and would be consequently subjected to all the disabilities which the Legislature certainly did not intend to operate against any one who had violated the noble Lord's clause without any corrupt intention. He thought the introduction of the words "provided that such persons so offending should not be deemed to be guilty of treating within this Act" would obviate the difficulty.

THE ATTORNEY GENERAL said, he really thought the Amendment entirely unnecessary. Treating was defined by the Bill as corruptly giving refreshment to the voter, and that was the only way in which they could incur the heavy penalties of the 7th clause. This had reference merely to the case of supplying refreshments without any corrupt intention.

MR. J. D. FITZGERALD said, he would call the attention of the House to the fact that both in the Amendment and in what was termed "the treating" clause the word "offence" was used, and he therefore thought there ought to be some specific words defining it.

Amendment *agreed to.*

MR. M'MAHON then moved the insertion of the following clause after Clause 14—

> "In case of any indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which such judgment shall be given. It shall not be lawful for any court to order payments of the costs of a prosecution for any offence against the provisions of this Act, unless the prosecutor shall, before or upon the finding of the indictment, or the granting of the information, enter into a recognisance, with two sufficient sureties, in the sum of 200*l.* (to be acknowledged in like manner as is now required in cases of writs of *certiorari* awarded at the instance of a defendant in an indictment), with the conditions following, that is to say, that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs."

He thought that in such a case as was contemplated by the clause they were bound to give the defendant the same protection which he would receive in regard to costs against any malicious penal action. There was no novelty at all in the principle, and if it were not adopted candidates, agents, and all other persons engaged in an election would be liable at all times to the most vexatious proceedings. So far back as the reign of Edward I. a similar provision had been adopted in cases of appeal, and by the Act passed a few years back, it was applied to undue prosecutions for libel. By a second clause which he wished to bring forward, he proposed that it should not be lawful for any court to order payment of the costs of a prosecution for any offence against the provisions of this Act unless the prosecutor should, before or upon the finding of the indictment or the granting of the information enter into a recognisance with two sufficient sureties in the sum of 200*l.*, which he believed would be the amount of costs to be awarded in ordinary cases, on condition that the prosecutor should conduct the prosecution with effect, and should pay costs to the defendant, if acquitted. If the clauses were adopted, every private prosecutor would be at liberty, just as much as he was at present, to go before a grand jury and prefer his indictment, but with this difference, that he must go on with the prosecution—there must be no compromise or trifling with justice. It was not only for the benefit of the candidate, but for the benefit of all parties, that these clauses, founded on common sense and justice, should be adopted.

MR. PHINN said, he opposed the clause on the ground that the point was fully discussed in the Select Committee, and it was not considered desirable to insert such a provision. The policy of the law was not only to trust to public prosecutors, but to allow private persons to institute prosecutions; but they now sought to introduce a new principle, making prosecutions under this Act exceptional cases, and calling upon persons to give security for costs, which was a course wholly unknown even in cases of felony. In his opinion the power of prosecution should be free and unrestricted, otherwise they would throw the whole weight and responsibility on the Crown. The Bill did not make it compulsory on the Judge to award costs in case of a vexatious or malicious prosecution. A discretionary power in this respect was placed in the hands of the Judge. As a general provision that all parties wrongfully or vexatiously prosecuted should recover costs, he should have no objection to see something of the sort carried; but he objected to make an exceptional case, as proposed by these clauses.

SIR FITZROY KELLY said, he considered it absolutely necessary some provision should be made for the particular cases arising out of this Act. Prosecutions for murder, burglaries, or felony of any kind were seldom preferred from private motives, but it would be quite different with the cases which it might be supposed would arise out of this Act, on account of the great temptation there would be to indict for bribery from feelings of political partisanship and private animosity. They must recollect, also, that by the Bill they were creating a numerous class of offences, and it was highly desirable that, under the peculiar circumstances of the case, the persons prosecuted should have the protection sought to be given to them by this clause.

Mr. J. G. PHILLIMORE said, he should support the clause, and thought all those who intended to become candidates at the next election would do well to follow his example. They had, as the hon. and learned Member for East Suffolk just said, created a numerous class of offences, and they must take care that public objects were not sacrificed to private malice.

Mr. HILDYARD said, he was surprised to hear the hon. and learned Member for Bath (Mr. Phinn) attempt to argue that, because such a provision would not be applicable to cases of felony, it ought not to be introduced in this Bill, especially after the precedent furnished by the decision of Lord Campbell, which, being delivered in a case of libel, would be more analogous to a case under this Act than any other. If persons were to be exposed to innumerable actions from questionable motives, and were deprived of the protection afforded by this clause, he believed that the result would be, that the House would rise in indignation and sweep away the power of bringing actions for penalties under the Act altogether.

The ATTORNEY GENERAL said, that with regard to bribery prosecutions, they stood on ground very different to that of penal prosecutions. He thought sufficient reason did not exist for making a particular exception in cases of bribery. If too many difficulties were put in the way of prosecutors, then they would find that the law would not be put in force in cases in which the law ought to be resorted to. He admitted, where actions were brought without reasonable cause, and from vexatious and malicious motives, that prosecutors ought not to be awarded their costs. But how would they prove motives, or that prosecutions were vexatious or malicious? He had no objection to meet the difficulty this way—to give a discretionary power to the Judge, in case the Judge might think a prosecution improper and malicious, to award costs; but he must say, he felt considerable hesitation in interfering with the old principle of English law, by which the costs were dependent on the result of the verdict.

Mr. BARROW said, he considered that, in instances where private pique and passion operated, as might be reasonably expected in these cases, some protection ought to be given, and that the Judge should have discretion as to the allowance of the cost.

Mr. J. D. FITZGERALD said, he had always thought it unwise to vest any such discretion in the Judge, approving the simple rule, that the costs should go to the successful party. If they made the exercise of that discretion contingent on the presumption of malice, he should like to know how that question could be tried? It was much better either to leave the clause as it stood, or reject it altogether. He must say he was surprised to hear the observations of the hon. and learned Member for Bath (Mr. Phinn) on this particular subject. He knew a notable instance of the efficiency of the protection now sought in the case of a friend of his, who was Lord Mayor of Dublin, who had told him that, having been elected for that city, he had had no less than 170 actions brought against him, no doubt with the intention of ruining him by means of the costs required in defence, and which attempt was only defeated in consequence of the necessity of the parties giving security for the costs. He would advise the House, instead of giving prosecutors full swing, to throw all the protection they could around the prosecuted, to defend them against actions which were not *bonâ fide.*

The LORD ADVOCATE said, that in his opinion, this being a matter of public, and not private interest, it would be exceedingly desirable that prosecutions should be conducted by a public officer, and not left to private parties.

Mr. M'MAHON, in reply, said, he must contend, that the principle embodied in the clause was by no means a new one in the English Constitution, he having examined the opinions of most of the text writers on the subject. He hoped the day would come when the House would pass a law whereby those who brought groundless actions under this Act against individuals of known credit, worth, and station, would be fined, imprisoned, and compelled to pay the costs of the men they had perilled in person and property. He could not conceive a more humiliating position than that of a Gentleman who, having come to the table and made the required declaration, was immediately after prosecuted by such parties for bribery and treating on the chance of getting a verdict against him. It was needless to say that the clause did not apply to prosecutions directed by the Crown.

Clause *agreed to,* as was also another clause brought forward by Mr. M'Mahon.

Three new clauses were then proposed by Sir F. Kelly, and *agreed to.*

Bill to be read 3° on *Friday*, and to be printed.

THE QUEEN'S MESSAGE—SUPPLY—VOTE OF CREDIT.

MR. BOUVERIE brought up the report of the Committee of Supply.

Resolution *reported :*

> "That a sum, not exceeding three millions, be granted to Her Majesty, to enable Her Majesty to provide for any additional expense which may arise in consequence of the War in which Her Majesty is now engaged against the Emperor of all the Russias."

Motion made, and Question proposed, "That the said Resolution be now read a second time."

LORD DUDLEY STUART said, he had given notice of an Amendment to the Resolution, which he would now beg to bring forward. He had, even before last night, considered it proper that an Amendment, such as he now proposed, should be made. Even before last night's debate, he repeatedly considered that a Motion of this kind was proper and desirable; but, if it were proper and desirable before the occurrences of last night, it was, since those occurrences, not only desirable, but necessary. He thought it probable that the annals of Parliament did not present a record of any occurrence similar to that which, to his astonishment, he witnessed last night, when the leader of the Government in that House came down upon a solemn occasion, and not in the heat of controversy—not in reply to observations which had been made by his opponents, —but deliberately, and in the most solemn manner, made an exposition of the objects and policy of the Government—of what the Government proposed to attain by prosecuting the present war, and subsequently, without the lapse of any considerable period, in the same debate, on the spot, and almost within the same hour, gave an explanation which was understood by the House to amount to a retractation. ["No, no!"] Well, at all events, it was so different from what the noble Lord had previously stated, that he did not know by what other word to describe it, except by that he had just used—retractation. Almost every one in the House had understood the noble Lord as he was understood by the right hon. Gentleman opposite, the leader of the Opposition. ["No!"] Yes, he did not hesitate to say that the noble Lord was generally so understood. And his observation was confirmed when he looked at the usual sources of information by which the proceedings of that House were recorded and conveyed to the public. He found that the whole of those organs—hon. Gentlemen knew well what he meant—understood the noble Lord in the same manner. Take the noble Lord as he was reported in a journal generally favourable to the Government—

LORD JOHN RUSSELL: Which of them? Name the journal.

LORD DUDLEY STUART: The *Times.*

MR. SPEAKER immediately called "order."

LORD DUDLEY STUART: The noble Lord had called upon him to name, and if he had been guilty of a breach of order in acceding to that request, he apologised, and would not further refer to what that journal or organ reported on the subject. [An hon. Member: Go on—read the report.] He would not do so, but would refer to another report in a source or organ at least equally favourable to the Government. He would not mention the name of the source, but he repeated, it was equally, if not more, favourable to the Government than that to which he had previously adverted. The noble Lord was reported to have said—

> "I say, with the knowledge of such a state of affairs, we ought to endeavour to obtain valid securities against acts of aggression similar to that which have so recently taken place. I hold, therefore, that it is impossible that the arrangements which were made by the Treaty of Adrianople with respect to the Principalities shall again be renewed—arrangements which give the Emperor of Russia a predominant voice in the political affairs of Wallachia and Moldavia—which give him the power of control in cases where he thinks the affairs are not conducted to his satisfaction, and which, by the destruction of all the Turkish fortresses, give him facilities at any moment for occupying with his army the two provinces, containing 4,000,000 of inhabitants. I say that the integrity of Turkey and the balance of power in Europe could not be secured by reverting to the *status quo ante bellum*, which would confirm such arrangements as regards Russia and Turkey. But there is another mode in which the

position of Russia is menacing to the independence and integrity of Turkey. The establishment of a great fortress prepared with all the combinations of art and science, made as impregnable as it is possible for art and science to make it, and containing within its port a very large fleet of line-of-battle ships, ready at any moment to come down with a favourable wind to the Bosphorus—that I consider is a position so menacing to Turkey, that no treaty of peace could be considered safe which left the Emperor of Russia in that same menacing position with respect to Turkey. I have thought it right to state not particularly, but the general view of the Government with respect to the securities which we ought to obtain. What these special securities should be, in what manner they should be gained, and how they should be affirmed, is not a subject upon which I think I can go further than I have already done. I believe we shall be ready, as we have been ready, to communicate with the Government of France on this subject. I have every reason to believe that the views of the Government of the Emperor of France coincide with our own in this respect."

[*Cheers.*] Hon. Gentlemen cheered that declaration. He did not wonder at it. He had cheered it himself on the previous night as heartily and sincerely as any one, for he was delighted at the noble Lord's utterance of such sentiments. But did the noble Lord stand to it? Did the noble Lord stand to his colours? Not at all; for, upon its being repeated, the noble Lord rose and said he had used no such expression. ["No, no!"] Yes, but the noble Lord did say in explanation, that what he meant was, that Russia ought not to be allowed to maintain so menacing an attitude by maintaining so large a fleet in the Black Sea. Did the hon. Gentleman—did any hon. Gentleman—think there was any discrepancy there? Was there no discrepancy between the first version of the noble Lord's sentiments and his subsequent explanation? Why, if Russia laid down one or two sail of the line, that would satisfy, or, at least, come within the terms of the requisitions of the noble Lord, as his explanation conveyed those terms. How the noble Lord had been induced to make an explanation which took away all the value of his first statement—a statement which was spirited, noble, and worthy of him—it was not for him (Lord D. Stuart) to explain. Perhaps the noble Lord had received some hints from his Colleagues as to what the head of the Government had stated in another place; perhaps he felt it to be necessary to retract those noble sentiments, in order to make them more in conformity with the views of the Premier—more in harmony with the ideas of some of his Colleagues. This clearly showed that this country was now governed by men who were not in harmony, who could not act in unison one with the other—men who could not agree amongst themselves; that they were governed by men whose councils were, through disunion and difference of views, vacillating and distracted—men who at one time took one view, at another time another. He believed some of them, and, amongst others, the noble Lord, were anxious to carry on the war with the vigour becoming a great country like this, whilst there were others of his Colleagues who were anxious to bring the war to a conclusion, no matter upon what terms or upon what conditions. He believed but one feeling and opinion pervaded the whole nation on this subject, namely, that if there had been a man of firmness, capacity, and resolution at the head of the Government, who would not have been afraid to meet the designs and aggressions of the Czar, who would have used the language of resolve and determination to the Czar, he would never have made an aggression upon Turkey, which, being made, it was necessary to resist, and this country was, consequently, forced into this war. ["Hear, hear!"] Yes, he believed, if they had had any other Minister than Lord Aberdeen, this war would not have occurred; but the fluctuating and pusillanimous conduct of the Premier—unworthy as it was of a great country like this—rendered war inevitable. In speaking thus he did not mean to use the slightest disrespect personally to Lord Aberdeen, and only spoke of his conduct as a public man. He believed Lord Aberdeen was most sincerely anxious to prevent the war, but he believed also that the means he took for prevention rendered war necessary. The noble Lord, in his opinion, had not the sagacity to see war in the distance, nor the spirit, nor the courage, nor the determination to meet it when it came, but temporised when he ought to have acted. He (Lord D. Stuart) thought that opinion was supported by facts. We saw great and magnificent armaments sent forth from this country, but we did not find that they had produced any results. We had been at war four months with those great armaments, in conjunction with our great ally, the French, but the results had really been nothing, and they led to the belief that it was the wish of the Government to saddle the country with the maximum of expense, together with the minimum of effect, in order that they might be disgusted with the war and might not on any future occasion be disposed to enter on such hostilities. What success had our armies obtained—what victories could we boast of? Some tar had been destroyed in the Baltic—some of our officers and sailors had vindicated their character for gallantry by some daring exploits, very honourable to them, but certainly not of any very great consequence towards putting an end to the war. In the Black Sea it was much the same. Odessa had been half bombarded; we had certainly taken possession of the forts at the mouths of the Danube; that was an operation no doubt satisfactory, but it ought to have been accomplished long ago. The House had had, to be sure, accounts of important captures. Magniloquent statements were made some time ago by the right hon. Baronet the First Lord of the Admiralty about twelve transports taken from the enemy laden with provisions for the enemy and munitions of war; but those twelve transports turned out, when the despatches were laid upon the table, to be miserable coasters picked up here and there at different times by our cruisers. The aggregate number of their crews was fifty-two men, that is to say, about four men each; and the munitions of war proved to be oatmeal. The consequences of the inactivity with which the Government were prosecuting the war had been, that the greatest disgust had been excited among our troops. We had never entered on the war heartily or with an effective plan. We never marched our troops to points where they might assist Omar Pasha. The only achievements of the war had been made by Turkish troops, who had proved that they were in earnest. Those troops had proved their courage, and their commander his ability; and the haughty, arrogant Russians, who boasted they would drive the Turks like chaff before them, and that their march to Constantinople would be nothing but a military promenade—those Russians, who were bold and ferocious enough when they had overwhelming forces, as at Sinope, against a few helpless Turks, or when a British man-of-war was lying disabled on their coast, incapable of making any resistance—those Russians had been ignominiously defeated by the troops of that very "sick man" on whom the Czar looked as moribund. If any one had undertaken to prophesy that the Russians, in 1854, instead of proudly trampling the Turks under foot, would have been reduced to their present humiliating condition, he would have been treated as a dreamer, and unfit to be at large. He perceived that the head of the Government had been talking lately of our carrying the war to a conclusion, with the concurrence of France, and of the "other Powers." He (Lord D. Stuart) did not see that we had got, or even were likely to have, the concurrence of the "other Powers." As for Prussia, she was not in open hostility to us—that was all we could say; and as to Austria, what assistance had she rendered? She was to enter the Principalities if the Russians had left them, and if they had not left them she was to drive them out by force. Had she fulfilled that engagement? Had she made any attempt to drive them out? No such thing. Where, then, was the concurrence of the "other Powers?" Everything was done nowadays to conciliate Austria, and, indeed, it appeared to him that we were almost guided by her counsels. That had been exposed by a noble Lord, now one of the Colleagues of Lord Aberdeen, who made use, in reference to it, of those withering expressions about the councils of this country being guided by "antiquated imbecility." To conciliate Austria, the Turks had been advised not to form a Polish legion, and after Turkey had abandoned that intention it turned out that Austria would have had no objection to it at all. He (Lord D. Stuart) believed that the real way to obtain the concurrence of Austria would be to obtain successes over Russia. Austria was as much interested as any other country in the curbing of the power of Russia, but so long as that Power remained unscathed by the armies of England and France she would be unwilling to declare against her. Let Sebastopol be taken, and then soon enough we should have Austria on our side. The hon. Member for the West Riding (Mr. Cobden) was opposed to the war, and last night he had called certain Gentlemen, who did not agree with him in opinion, his "hon. and deluded" Friends. That hon. Member must pardon him (Lord D. Stuart) if he called him in return his hon. and Philo-Russian Friend. One of that hon. Member's reasons for being against the war was, that it would not be favourable to nationalities. But was not the Emperor of Russia the most determined, the most powerful, and the most unceasing enemy of nationalities? Was he not engaged in oppressing nationalities in all parts of the world? Had he not put down the nationality of Poland, and that of the country to which Kossuth belonged; and would it not, therefore, be of the greatest advantage to nationalities to curb and humble their arch-enemy? It was a very strange thing that the hon. and Philo-Russian Member for the West Riding, who took so great an interest in the Greek populations, and was so constantly decrying their oppression by the Turks, should have no sympathy whatever for the population of the Principalities, who were entirely Christian and of the Greek persuasion. Turkey had always respected the institutions of those provinces, whereas Russia was now inflicting on them miseries greater than those suffered by any other people. The hon. and Philo-Russian Member, however, had undergone a great change during the last few years. He said, no great while since, that there was as little chance of our taking any portion of the Czar's territory as of the possessions of the United States of America. But only a few years ago he stated at a public meeting that it would be the easiest thing in the world to crumple up Russia like a bit of paper. How could these two statements be reconciled? The hon. Member said we had crumpled her up, but he (Lord D. Stuart) could not see it. We had not taken any of her men-of-war—we had not taken any of her fortresses—nor had we even inflicted any injury on her trade, for he had been told that Russian tallow and Russian hemp were to be had in this metropolis at a very small advance on the former prices. Surely that was not what the hon. and Philo-Russian Member meant when he spoke of "crumpling up." There was now a general distrust of the honesty of the Government in carrying on the war, and a fear that, if Parliament separated, the country might be hurried into some ignominious, unstable, and unsafe peace. This House was also distrusted, and suspected of complicity with the Government, in not pushing on the war with vigour. It was on that account that he had been induced to bring forward the Motion which he now begged to make. It was a perfectly constitutional Motion. There were precedents for it without number, either in reference to a dissolution or a prorogation, which amounted to the same thing; but he would only allude to the taking of the same course as he now took, by Mr. Dunning, in 1780; by Mr. Erskine, in 1783, when the Motion was successful; and to the more modern example of it, in 1802, by Charles, afterwards Lord Grey, whose words he (Lord D. Stuart) had made use of.

Sir JOHN SHELLEY seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Most Gracious Message, and to assure Her Majesty, that Her Majesty deeming it expedient to provide for any additional expense which may arise in consequence of the war in which Her Majesty is now engaged against the Emperor of Russia, may fully rely on the cheerful zeal and constant affection of Her faithful Commons, and to assure Her Majesty that they most readily do make provision according to Her Majesty's wishes, and humbly to pray, that Her Majesty will be graciously pleased not to prorogue Her Parliament until She shall have been enabled to afford to this House more full information with respect both to Her Majesty's relations with Foreign Powers, and to Her views and prospects in the contest which Her Majesty is engaged in,"—

instead thereof.

Mr. SIDNEY HERBERT: Mr. Speaker; the noble Lord, in concluding his address, has referred to precedents which he considered justified the course he has taken. I, Sir, have nothing whatever to complain of with respect to the course which he has taken; and many more precedents may, I believe, be readily found than those to which the noble Lord has referred. The noble Lord may, doubtless, find some precedents, not only at a time when the country was engaged in war, and when the parties in opposition had no confidence in the Government, or in the manner in which the war was conducted, and who disapproved of their conduct in having entered into the war; but similar Motions have been made upon almost every possible diversity of occasion, but always with this peculiarity attaching to them, that they were brought forward distinctly by parties who were the opponents of the Government, as a direct censure upon the Government, and intended to be a declaration on the part of the House of Commons of a want of confidence in the Government. The noble Lord having now thrown down the gauntlet on the floor of the House, and challenged a vote of confidence or no confidence, Her Majesty's Government are perfectly willing to take it up. The noble Lord has offered battle fairly, and we accept it upon his own terms, and are willing to be bound by the decision to which the House shall arrive as representing fairly the opinions of the country. But before I proceed further, I am anxious to address one or two observations in continuation, I may say, of the debate which took place last night, and particularly in reference to one or two observations which fell from the hon. Member below the gangway, the hon. Member for Aylesbury (Mr. Layard). I am the more anxious to do so, because I think in a question of confidence in the Government with respect to the proper application of the funds voted for the purpose of the war, I am bound to show that the allegations made to the contrary are not founded in fact, and that the accusations brought against those who are administering the affairs of our army in the East are destitute of foundation. The hon. Member quoted from letters which he had received from some friends of his in the East, and I am not in the least degree desirous of throwing any discredit upon the writers of those letters which the hon. Member has received from friends whose acquaintance he formed during his long residence in the East; and his statements amounted to this—that the Duke of Wellington, during the long period of the Peninsular war, complained greatly of the defective organisation of the Commissariat, and that, with great exertions, he had brought it to a state of perfection at the close of the war; but that, immediately after the cessation of the war, the whole of his administrative labours in this respect were lost to the country, through the defective administration of those intrusted with the responsibility of the management of that branch of the service. Well, I am at a loss to know where the hon. Member obtained the materials for that statement. That system connected with the Commissiariat which the Duke of Wellington consolidated, and brought, as the hon. Member says, to a state of perfection at the end of the war, remains at the present moment unchanged. It is true that in England the Commissariat system has been altogether done away with. [Mr. LAYARD: Hear, hear!] But he could inform the hon. Member that it has been extended to all our Colonies—a field much more calculated to create experienced officers than at home, where such facilities exist for obtaining everything required for the purposes of an army. Throughout the whole of the Colonies this system, so extended, was maintained in the same manner as that in which the Duke of Wellington had left it, and we have found it preserved in the same identical position — all the changes which Her Majesty's Government have made being that of substituting for the head of the Commissariat a responsible Minister of the Crown—one whom, it was thought, ought to be at the head of a department so essential to the well-being of the Army. The officer whom the Government have selected as the chief person to carry out the operations in the East, is Commissary General Filder, an officer formed under the eye of the Duke of Wellington, and one whom the Duke, with his great knowledge of character and sagacity, had singled out as one in whom he could repose implicit confidence. Many gossipping stories have been circulated with respect to the bad management of the Commissariat; but when I shall have shown how utterly devoid of truth are those statements, I trust that justice will be done to those whose difficult task it has been to carry out the arrangements necessary for the army in the East. So far, therefore, from changing the system of the Duke of Wellington, that system, as regards the Commissariat, has been continued; the Government have selected to have charge of the arrangements connected with this department, the one man in whom the Duke placed implicit confidence; and I have reason to hope that time, which, after all, furnishes the best answer to the stories thus circulated, will do justice to the acts of the Government in this respect. But the hon. Member declares, that the Treasury last autumn sent out a gentleman of that department, who wrote an essay upon the manners and customs of Turkey. I will not weary the House by any extracts from that essay; because an essay on such a subject is well calculated to awaken some alarm at the idea of making quotations from it. From the statement of the hon. Member (Mr. Layard) the House would be led to suppose that this essay related to almost everything beside subjects which had connection with the duties of the Commissariat. I will just read a few of the marginal notes of the subject-matter of the paragraphs to which they refer. Here are "locality," "cattle and sheep," "meat—how obtainable;" "supplies of coffee," "preserves," "weights and prices;" "sheep—where to be found;" "what kind of cattle to be found in Asia Minor," "what are the best means of transport;" "roads," "what weight can be put upon a camel, a horse, or an ass;" and so it goes on with all manner of minute details on the subjects useful to Commissariat officers. The hon. Member complained, too, that the book was written by a gentleman who had been but a short time in Turkey. "Only think," said the hon. Member, "of a person writing a book on Turkey, a country in which the longer you live the less you know about it." But it appears, after all, that this pamphlet was actually submitted to the hon. Member for Aylesbury before publishing; and it had the benefit of many of the remarks and convictions which his own long residence in that country was able to afford. I must beg the indulgence of the House for thus occupying their attention; but when attacks of this kind are made, it is essentially necessary that some person should stand up for the defence of those who have been intrusted with those important duties, and should endeavour to ascertain what degree of weight can be attached to the statements of those who say that the British Army has been sent to a distant part of the world without adequate means of subsistence. The hon. Member complained, too, that everything devolved upon one man—our Consul, Mr. Calvert—when the troops arrived at Gallipoli; whereas the fact was, that eight or nine gentlemen had been selected for their knowledge of the Turkish and of the *lingua Franca*, who were put into communication with Mr. Calvert, a gentleman possessing a thorough knowledge of the locality, and who was the most fit person to be procured to render such services as were required. The hon. Member also made another statement. He said, that an officer had written home stating that they had not the means of sending sick men from the camp to Gallipoli, and had been forced to borrow the means of conveyance from the French. Now I happen to have looked over the list of articles sent out for the hospital establishment, and almost the first thing upon which my eye glanced was forty pair of panniers for the conveyance of the sick. His complaint on this subject, therefore, was not better founded than that which he made with respect to the want of medicines and the large amount of ophthalmia under which the men were suffering from the want of proper medicines. The fact is, hon. Gentlemen got letters, written by officers not upon the spot, but who report the gossip and rumours which they hear; and these reports are instantly set down as having at least some truth in them, because written by persons on the spot. I have heard it stated by no mean authority, and this is an instance in which these things get reported about—by a gentleman who had been connected with the Ordnance—I mean the hon. and learned Member for Portarlington (Col. Dunne)—that we had sent out he did not know how many men, with batteries of only six-pounders, a very inferior calibre to those of the enemy. Now, all this was stated in the most confident manner. Will the House believe, notwithstanding, that, with the exception of the horse artillery, there is not such a thing as a six-pounder in the British service? All the rest of the guns are nine-pounders, with a twenty-four pound howitzer to each battery. This affords another instance of the care with which statements carelessly made should be received by the House and the country. But if it be true that the medical and other departments of the Commissariat are so exceedingly defective, there is one most extraordinary result, and that is, the health of the army, which appears to give a most decided contradiction to any such statement. The last return of the state of health of the whole English army in the East, showed that there were in hospital but four per cent sick; and out of that four per cent nearly one-third were cases of disease which were certainly contracted through no neglect of the Commissariat, or the unhealthiness of the climate, but which might be contracted as easily in the streets of London as in the East. At this moment the health of the army at Varna is as good as the health of the army in any part of England. I do not mean to say that even the greatest care with respect to these things can always ensure health. There are situations in which an army may be placed, in which no amount of care or precaution can ensure health; but if there be neglect with respect to medical assistance, and upon the part of the Commissariat with respect to food—I do not care where placed—you are certain to have sickness. The state of the health of the army, so far as the returns show, prove, however, that the Commissariat and medical departments have not neglected the important duties which have been intrusted to them. The hon. Member and others had also made many comparisons on the organisation of the English army as compared with the superior arrangements of the French service. There is no doubt that in the case of two great armies, both of them kept as efficiently as they can be, those charged with their administration will have much to learn one from the other. I am not contending that the equipment of the English army was faultless in every respect. Why, good God! when a large army has been sent out almost at a moment's notice, a man must be fond indeed of his own performances, and be thoroughly imbued with the notion of his own infallibility, who should for one moment maintain that no error had been committed. I am not such a pedant as to contend that everything which has been done has been perfection. What said Sir William Napier? He said that errors in war are the rules and accuracy the exception. But this I will say, that every effort has been used to avoid these errors, and taking into account the very speedy manner in which the forces have been sent away, the expedition to the East will bear a very fair comparison even with those expeditions which have been sent out in a much longer period. As affecting the condition of the troops in the East, I will, with the permission of the House, read extracts from one or two letters which I have lately received. The first is from a letter written to me by one of the very best paymasters in the service. It states—

> "I am happy to say, that a most excellent feeling exists. Our army is well fed, and there is not the shadow of a complaint. The supplies sent out by the Government have been a great boon, and are highly appreciated. They are all good of their kind; and as Lord Raglan has most judiciously put the issue under regimental arrangements, the most perfect confidence and satisfaction have been the result of the arrangements. Had it been through other channels, the regimental authorities would not have been so interested in the good working of the system, and the men are, moreover, more satisfied to be dealt with regimentally. The complaint can be remedied, if there should be one, without going further; indeed, all works well."

[Sir J. PAKINGTON: When is that letter dated?] The letter was dated the 29th of June, 1854, and the letter ends by saying, "we have now in and about Varna 20,000 men." Let me read, however, from another letter written, like the other, by a person holding an official position in the army, and possessed of means of knowing the actual facts of the case. The letter states—

> "No one can believe, who has not seen it, of what value the Chobham encampment has been to the troops, I am quite sure the health of the troops is in a great degree owing to the knowledge, now becoming general, of a good system of encamping. Osman Pasha, a most intelligent man, with whom we communicate on all the quartering of the army in and near Scutari, has frequently told us he could not conceive why we had so little illness, and that no Turks could have remained on the Scutari Hill so long in camp with impunity. We can only answer him that he should see the care and attention of our officers, and the advantage of our white cap covers over the senseless fez which his people persist in wearing on their heads, with no protection for the eyes or back of the head, and he would learn the true cause of the difference between us. General Forey called here yesterday to see the barracks; the 95th happened to be parading in their fatigue frocks, which he much admired. I asked —— to wheel them into line, and it ended in General Forey being so pleased that he asked for two or three movements, which the regiment executed admirably. I am always glad they should see what our interior really is, and how little we do for show."

I will only trouble the House with one more extract, and it is from a letter written by one whose character will ensure due weight from the observations which he makes. Lord Raglan writes to me at the end of a letter, in which he speaks of the impression of the French officers with respect to the manner in which our men are equipped, encamped, and paid, and states—

> "Seeing the abuse that is lavished upon every branch of the British Army, and that we are told all day long that the arrangements and equipments of the French Army are in every way superior, I was surprised to find that we were viewed in a different light by officers of experience in another service, and that justice which is denied to us by many of our own countrymen is readily conceded to us by foreigners."

I trust the House will excuse me for having gone into these details, which may, perhaps, be considered as not having a very direct bearing on the Motion before the House, but which I considered it my duty to state to the House. Now, I wish to know whether it can be considered true, as asserted by the hon. Member for the West Riding (Mr. Cobden) and the noble Lord the Member for Marylebone (Lord D. Stuart), that these great armaments have been sent out, and that no result has yet been achieved, and that our country has reaped no laurels from the conduct of these forces. War was declared on the 29th of March. The noble Lord expresses his surprise that in four months Russia has not yet been—to use the expression of the hon. Member for the West Riding, which he has quoted—"crumpled up." He appears to think that in four months a great country, distant and almost inaccessible, should have been brought to an ignominious capitulation. But is it true that nothing has been done? An hon. Gentleman last night said that numerous accidents had taken place, that we had had the monopoly of the accidents, and that our allies had had none. We have, I admit, had some casualties of a grievous nature, both in the North and in the East, where our operations have been carried on. There was no doubt the loss of the *Tiger*, and the loss of the ship *Europa* by fire, which carried out a portion of the 6th Dragoons. In mentioning this last loss I may be permitted to say that, however long might be the duration of the war, however brilliant the actions which may take place in the course of it, no one name will live to be more honoured in the British Army than that of the gallant, the unfortunate Colonel Moore, a noble old man, who, having none of the excitement of action, none of the excitement and glory of battle raging round him, in cool blood faced the most terrible death which man can meet, and refused, though solicited by his men, to leave the burning ship while one remained in her alive. It is true, too, that in the Baltic we have had a grievous casualty, and a boat's crew, consisting of a large number of men, was sacrificed in an attempt to cut out some vessels from the enemy's waters. But while we lament these results we should recollect likewise the gallantry and spirit which they display. If it be true—and it is true—that the courage of our seamen amounts almost to fool-hardiness, we must recollect that the great name of the British Navy has been created by a series of exploits directed by courage such as this, and we may rejoice that that spirit which has raised us to the summit of fame as a naval power exists still in our Navy, and that those mighty armaments which have been sent out against our enemy are animated by the same spirit, But have no brilliant results been brought about? Is it nothing after all, in four months to have established a complete, effective, irresistible blockade of the whole of the Russian coast? Hon. Gentlemen who speak with so much impatience appear to forget that the one-half of Nelson's life was spent in establishing blockades. From the impatience manifested by many hon. Members for some great and glorious victory which should conclude everything, one would believe that the battles of Toulouse and the Pyrenees had been fought within the lines of Torres Vedras, and that the victory of Waterloo was achieved in the beginning of the present century, under the administration of Pitt. If you require to have victory after victory followed up with an enemy who dare not meet you, even with his superior numbers, you are exacting impossibilities from your seamen, and from seamen—be it remembered—to whose want of courage it is not owing that these glorious enterprises are not obtained. But have we done nothing else? How many pounds sterling have been expended in the last half-century in erecting those forts along the coast of Circassia which formed the chains which were to keep the Circassians bound to them? In one short campaign all but one of these strong places have fallen into our hands, or into those of our allies—the Turks. [Mr. LAYARD: They were abandoned by the Russians.] The hon. Member is not satisfied with the enemy running away. He appears to justify the opinion formed by the Duke of Wellington that the people of England liked "a long butcher's bill." The hon. Member wants, not a great victory, but a great sacrifice of human life. I do not believe, however, that that is the general opinion of the people of England. I believe they rejoice that this chain of forts should have fallen into our hands without such loss of life as should ornament the pages of a *Gazette*. The hon. Member said that Turkey has shown great courage. Who can doubt the great fortitude and skill of the Turks. It has astonished all Europe to see an army so small as that of the Turks prove itself victorious against such overwhelming numbers as the Russians have brought against them. But had the successful results of the campaign in the Principalities been achieved solely and entirely by the force of the Turks? Had the army of Russia met with no enemy except the Turks? The Power which had wrested from Russia the ability of communicating supplies to its army by the Black Sea had surely had no small share in that glorious result. I do not know whether hon. Gentlemen have studied the history of this campaign, and observed carefully the manner in which those operations were carried on. In the former wars Russia had many other resources; they had to themselves the whole of the seaboard of the Black Sea. At present the Danube is blockaded, Sebastopol is blockaded; the whole coast of Russia is closely blockaded. Not one grain of wheat, not one pound of meat, not one cartridge, can be brought to them, except by the long journey through Bessarabia by land. I am told by an officer who has witnessed it, that when the supplies are passing—when the flour is passing through the country to the Russian army, the air is tainted with its putridity owing to its having been kept so long, and adulterated probably by the contractors and others furnishing the supplies. But how is this forage and provisions conveyed? It has to be conveyed through a country almost impassable for want of roads, in small carts drawn by one bullock. The distance to be journeyed is so great, and so bad are the roads, and so tedious is the operation, that by the time the bullocks with the carts have arrived at their destination, a very large proportion of them have consumed all the provisions with which they had started for the camp; and are besides reduced to so wretched a condition, that when slaughtered they afford themselves but a little poor and unwholesome meat for the troops. These are not small results. They may not be so brilliant or so rapid as they might have been in the estimation of hon. Gentlemen who think so lightly of the power of the enemy with whom we are engaged; but I must likewise remind the House that we English may claim to have some share of the credit attached to the defence of Silistria through that young man whom I would like to call Major Butler, although, unfortunately, he did not live to hear of his promotion, or of his having been placed, by the desire of her Majesty, in the Guards. That young Irishman, who displayed during the siege of Silistria qualities which marked him out for certain eminence in his profession had he been spared—not merely dogged courage, but likewise a remarkable power to command —he, a stranger, accompanied by another young officer, going to a strange town, not even speaking the Turkish language, by his energy and determination so imposed upon those by whom he was surrounded, that, in point of fact, he had almost the command of the garrison in his hands; and it was by the pertinacity and vigour with which he forced his counsel upon them, that the giving up of those forts, which were the keys of Silistria, was prevented, and that ultimately glorious success was achieved. Well, Sir, the noble Lord who thinks so lightly of all that our army has hitherto done, asserts that the non-success of our arms is owing to the pusillanimity of Lord Aberdeen. Last night we were told that this debate was to be prolonged, because Lord Aberdeen in another place had used language in diametrical opposition to that used by my noble Friend the President of the Council; and an hon. Gentleman who had the good fortune to hear both speeches, got up on the other side of the House to bear witness to what he was pleased to term this singular contradiction. Sir, I confess I was greatly surprised when I read in the newspapers of this morning an account of what took place last night in the House of Parliament; and when I found Lord Aberdeen proposing an Address to Her Majesty in a short speech, consisting of a few plain and strong sentences, in which he urged, that, being engaged in a war, it was necessary for us to carry it on with vigour and determination, and asked their Lordships to assure Her Majesty of their intention to support her in so doing. Well, Sir, did my noble Friend the President of the Council speak in any other tone? Did he talk of conducting the war in anything but a vigorous manner? Did he falter in that respect? Sir, there was the most complete accordance between the two speeches. It is true that my noble Friend the President of the Council went further into matters than Lord Aberdeen; but so did the noble Lord the Secretary for Foreign Affairs in another place; and both of them, together with Lord Aberdeen, representing the opinions and policy of the Cabinet, gave utterance to them in language which, I think, could not be mistaken. Sir, it has even been objected to that the speech of my noble Friend the President of the Council was too frank. I believe, Sir, that with a generous people a frank policy seldom fails. I am satisfied that the people of England do not believe the idle stories which are so industriously circulated. I am sure they do not believe that, because the Government were reluctant to commence the war, and because they valued and were unwilling to abandon the blessings of peace, they are, therefore, unwilling to carry on with vigour, and to an honourable end, the war into which they have entered with so much reluctance. Why did the Government enter into it reluctantly? Was it because it was a war which might end with a pitched battle after a few days. No: it was because they well knew the power of the enemy whom they had to encounter; because they well knew the difficulties and dangers of enterprises carried on at a great distance from home; because they knew likewise that when once the sword is drawn how difficult it is to sheathe it; and because they knew, and that right well, that when a European quarrel was commenced—commenced upon grounds which are just, and upon grounds which are necessary for the future peace and civilisation of Europe—they could not patch up a hollow truce; as has been well said, they could not conclude that war without obtaining guarantees and conditions which should give some prospect to Europe of peace in future years, and which should give some prospect likewise to the more immediate neighbours of Russia, be they Turks or be they Germans; that the ambition of that power would be curbed, and that the Emperor of Russia would not be allowed to ride at will over the peace and happiness of the nations who have the misfortune to be his neighbours. But, Sir, the noble Lord the Member for Marylebone, who finds such fault with all that has been done—who thinks that everything was wrong from the first day in February when we met, till the 29th of March when war was declared—who thinks that everything has been wrong from the 29th of March up to the present time—who thinks that the negotiations in which we were engaged were nothing but connivance and collusion—and who thinks that the war is conducted in some pusillanimous way—he at least has not said, as some have, that the war is conducted in a traitorous way. He at any rate has not hazarded the insolent absurdity, that English gentlemen are writing to their admirals and generals, telling them to spare their enemy, and not to do him any harm; that the whole transaction is a great blind in the face of Europe; and that from the beginning to the end, not only in negotiation, but in war, we have been acting the infamous game of connivance with our enemy. The noble Lord says, that during the whole Session of Parliament the evils of which he complains had been carried on, and yet he wants the Session continued. He says there is complicity on the part of the House of Commons; that the House stands with the country almost in the same condition as this traitorous Administration; that the House of Commons is conniving with the enemy; and yet it is the body which he asks—after speaking of its Members in terms of respect which must predispose them in favour of his Motion—to sit perpetually and until—no, there is no "until," the noble Lord has placed no limit to the sitting of Parliament—but I suppose he means it to sit, at all events, until he himself is satisfied, and until the affairs of Europe are administered exactly according to his own notions of what is just and what is right. The noble Lord has said that he has no confidence in the Government. Well, Sir, as I before said, we are ready to meet him fairly upon that issue. We are called a Ministry upon sufferance. It is true that, feeling the deep responsibility which lies upon us, and the necessity, having entered into this war, of putting the country into a position, both financially and strategically, in which she might wage war with Russia with good hopes of success, we have felt, even unsupported as we have been in domestic measures, that it was our duty to continue to hold the reins of Government. We have met during that period with contumely and insult; but it is for the House of Commons to decide. If the House does not choose to have a Government upon sufferance, and if we do not choose to be a Government upon sufferance, let the House of Commons manfully and explicitly declare the opinion which it entertains upon that head. We are prepared to meet the noble Lord upon that question; and we are prepared to abide, as we do abide, with confidence by the decision to which this House may come.

MR. LAYARD said, he could not but express his surprise that the right hon. Gentleman had so entirely misrepresented what fell from him last night. It appeared to be a common habit of certain right hon. Gentlemen on the Treasury bench, whenever any facts were mentioned in that House—not, it might be, with any desire to cast blame upon the Government, but for the simple purpose of pointing out defects which might be remedied—to get up, and, instead of answering the observations which had been made, in reference to the facts, to bring forward some individual connected with the department in question, to make some very eulogistic remarks as to his abilities and claims, and, in short, to make it appear as if a gross attack had been made upon that individual, and not upon the system, or a portion of the system, which he administered. That was exactly the mode in which he had been treated by the right hon. Gentleman the Secretary at War. He said last night that certain accidents had occurred to our transports and vessels connected with the fleet. He had no intention to blame the

Government, but merely to draw attention to certain facts which he thought deserved consideration. Well, the right hon. Gentleman the Secretary at War, in what he evidently meant to be a reply to those remarks, carefully abstained from dwelling upon the circumstances connected with the accidents which had occurred, but spoke as if reflections had been thrown upon the conduct of a very able and very brave man, for whom he had an admiration equal to that of the right hon. Gentleman himself. So, with respect to the other facts he mentioned relative to some deficiencies in the Commissariat. He attributed those deficiencies to the system, not to any misconduct on the part of those who had to administer it; and yet the Secretary at War had immediately inferred that he meant to attack Commissary General Filder. Now, if it were true, as the right hon. Gentleman stated, that the Duke of Wellington had the most implicit confidence in Commissary General Filder, that gentleman must have held a high office during the last war; and if he held a high office some fifty years ago, he was now placed at an advanced age in a position which assuredly required all the energy and activity of a young man. But the right hon. Gentleman had misrepresented everything he said last night with respect to the Commissariat. When he mentioned as a fact, that the system organised by the Duke of Wellington was allowed to fall into disuse at the close of the last war, he was alluding to a work by Sir Francis Head, in which the writer stated that at the end of the war the Commissariat was transferred to the Treasury, and instead of being intrusted to men in this country who knew how to deal with it, was placed in the hands of clerks in the public offices, who could not by any possibility know anything of active operations in the field. With regard to what had fallen from the right hon. Gentleman in reference to what he had stated as to the difficulties of acquiring information of the state of Turkey, he begged to say that he did not state that the longer a person lived in Turkey the less he was likely to know about its condition, but what he had said was, that in a country like Turkey, unless a person was acquainted with every province and all its resources, he could not form any opinion as to the nature of the country. Again, the right hon. Gentleman had spoken as if he complained last night of Mr. Calvert having been put in communication with the Commissariat officers; but what he really did complain of was, that no Commissariat officers were sent to Mr. Calvert at all, and that Mr. Calvert was consequently compelled to do all the work himself. The Secretary at War had also endeavoured to throw some discredit on letters which he read in the course of his speech last night. Now, these letters were from persons in whom he had the fullest reliance, who were far from wishing to throw any odium upon the administration of the Army, and who, moreover, had even cautioned him not to believe all the stories which were flying about. As to making any comparison between the arrangements of the French Army and those of our own, he was glad to hear from the right hon. Gentleman of the terms of praise used by French officers with reference to our troops. When he said last night that there was a deficiency of tents, and of the means of providing for the sick—an observation which he made upon the authority of certain letters that had appeared in the public prints, and that he had no doubt were correct—the right hon. Gentleman had now assured the House that the health of the troops was excellent; but it should be borne in mind that this was the season when very little sickness prevailed, and he was afraid that, if the troops were pushed forward to the unhealthy shores of the Danube, they would suffer more from disease than they had hitherto done. It was a mistake, however, to suppose, as the hon. Member for the West Riding (Mr. Cobden) did last night, on the authority of Mr. Spencer, that the Crimea was unhealthy. Unquestionably, parts of it were so, but the neighbourhood of Sebastopol was not unhealthy, and he believed that an English army would be in far less danger there, so far as disease was concerned, than it would be on the banks of the Danube. He did not say last night, as the Secretary at War had represented, that nothing whatever had been done in this war. What he said was, that he knew well the difficulties which were to be encountered in a war of this nature, and that they could not expect to achieve a great victory in a day; but he stated at the same time that, having fitted out vast fleets and armies, the country assuredly would expect some results before the termination of the year. The right hon. Gentleman had now told the House that great results had already been gained, and had pointed to what he termed the "most effective blockade" in the Baltic and Black Seas. Now, that was not the case, and hon. Gentlemen in that House connected with the Russian trade would confirm what he said. There was, to a certain extent, a blockade in the Baltic, but it had not stopped Russian commerce, which continued to be carried on through Prussia to almost as great an extent as before the war. Nor was there an effective blockade either in the Black Sea. He would admit that certain English merchants were suffering; but the Greek merchants in this country were carrying on their trade with the Black Sea exactly in the same way as they did last year, and nearly to the same extent. The right hon. Gentleman had talked about the destruction of the forts on the coast of Circassia, and when he had ventured to remind him that those forts had been abandoned by the Russians, he was met by the taunt that he was one of those persons who would not be satisfied without a butcher's bill, and he was sorry that the right hon. Gentleman should have taken such an opportunity of getting a little cheer at his expense. The abandonment of these forts was the act of the Russian Government, and he had stated at the beginning of the Session that those forts ought to be taken, and if his advice had been attended to the garrisons of those forts would have been made prisoners of war. The right hon. Gentleman then repeated the old story—"we have kept the Russian fleets in their ports, and they dare not come out." Of course not. It was no reflection upon the the courage of the Russian seamen to say that they were unwilling to fight a superior force; and it was absurd to call them cowards because they remained in their harbours. He begged the House to remember that the time was drawing near when our fleet would be compelled to leave the Black Sea. Whenever that event took place, unless something was forthwith done, either to destroy the Russian fleet at Sebastopol, or to prevent it doing any harm, the Russians would take possession of the Black Sea, and might, if they chose, bombard Trebizond, the British fleet not daring to come out of the Bosphorus. That was precisely what they did last year at Sinope. The right hon. Gentleman had endeavoured to lead the House to infer that he (Mr. Layard) did not fully appreciate the services of Captain Butler; but, highly as he did admire those services, he did not see how the Government could claim any credit for them. Captain Butler went to Silistria through love of his profession, without any hope of reward, and, as he had been informed, after the Government had refused to send him there; and on what ground could they now claim credit for his conduct? With regard to the other officer, Captain Nasmyth, he was one of a class who were, he understood, to be shortly expelled from the British camp; he was a correspondent of the *Times*, and had in that capacity gone to Silistria. He did not consider himself to have been fairly treated by the right hon. Gentleman, for he had not wished in the remarks he made on a previous occasion to cast any blame upon the Government. He must apologise to the House for dwelling upon what was not in reality the subject of the debate that evening, but he felt bound to make a few observations on what had fallen from the right hon. Gentleman. He (Mr. Layard) had come down to that House on the previous evening with the intention of taking part in the discussion, and the noble Lord the President of the Council made a speech which all must have listened to with attention. When the noble Lord concluded he had felt that there was so much in that speech which he approved, and so much that would be approved by the country at large, that he could not, consistently with the strong feelings he entertained upon the subject, make any remarks which might have the effect of interfering with the impression which that speech must have made. The noble Lord said—

> "There is another mode in which the position of Russia is menacing to the independence and integrity of Turkey; the establishment of a great fortress, prepared with all the combinations of art, and science, made as impregnable as it is possible for art and science to make it, and containing within its port a very large fleet of line-of-battle ships, ready at any moment to come down with a favourable wind to the Bosphorus, that, I consider is a position so menacing to Turkey, that no treaty of peace could be considered safe which left the Emperor of Russia in that same menacing position with respect to Turkey."

Now, taking the most limited reasons given by the Government for the war—namely, that we were fighting for the independence and integrity of Turkey, it would seem that they could not be secured until this menacing fortress of Sebastopol, and the fleet contained in its port, were destroyed; and he defied any man to attach any other meaning to the words of the noble Lord. But when the noble Lord explained that he meant no such thing, and all that he said was, that Russia must not be allowed to maintain a position so menacing to Turkey—so that the maintenance of a smaller fleet at Sebastopol might be taken as satisfying the noble Lord's views—all the impression which had been created on his (Mr. Layard's) mind by the noble Lord's words was completely destroyed. Without wishing to cast blame on the noble Lord, he must say that, since the noble Lord thought it necessary to make this explanation, it would have been infinitely more satisfactory to the country if the declaration had not been made in the first instance, because the very fact of explaining away the declaration led one to believe that the Minister had said too much, and that the independence and integrity of Turkey need not be secured by any peace that might be concluded. He (Mr. Layard) went at some length into the question last night, and after he had made his speech he was somewhat doubtful whether he was right in dwelling so long on it; but when he had heard the noble Lord's explanation he felt himself perfectly justified, because his object was to show that the noble Lord might express certain opinions in that House, and it was difficult altogether to believe that those opinions were the opinions of the Government. He had read the speech delivered by Lord Aberdeen in another place last night. It contained nothing, and, therefore, he was forced to go back to the explanatory speech made by the noble Earl some time ago in the House of Lords. Last night the noble Lord the President of the Council spoke a great deal about Austria. Among other things, he said—

> "Whether Austria may act with that hesitation and delay which have been unfortunately already prolonged too much, or should attempt to gain from St. Petersburg some better and more satisfactory assurances, I am unable to say. We have, of course, no control over the councils of the Emperor of Austria."

He could have told the noble Lord that months ago. At the present moment Austria had a perfect right to say, "We are ready to do what we promised to do, namely, to get the Russians out of the Principalities—we have promised nothing more—on the contrary, we have always given you to understand that the *status quo ante bellum* is all we will fight for." More than that, Her Majesty's Government had agreed to those terms, and whenever the Principalities were evacuated, Austria would have a right to call upon England to conclude a peace. Here he might be allowed to call their attention to a very curious and suspicious passage in a treaty recently formed between Austria and Prussia. It was to the following effect:—"Austria and Prussia are united to oppose any hostile attacks upon their kingdoms from any quarter whatever." Observe, it was not "from Russia," but "from any quarter whatever," and, therefore, if hereafter England became the enemy of Prussia, Austria will be bound to take part against her. None of the protocols signed at Vienna by the representatives of the Four Powers, any more than the independent declarations issued by Austria, went further than this—that the Principalities should be evacuated. At the time when Austria was commencing the concentration of her troops, Count Buol distinctly declared that that step was not to be considered as of a hostile nature to either of the belligerents, but was dictated by a desire to preserve intact in all respects the *status quo* as established by treaties—an object in which the representatives of the Four Powers, in that unhappy Congress at Vienna which again threatened to impede the free action of this country, expressed their entire concurrence. That protocol was signed before the breaking out of war; but in the next protocol, after the commencement of hostilities, it was stated that, in consequence of the change of circumstances, it had been considered necessary again to declare the union of the Four Powers on the principles contained in the protocols of the 5th of December and the 13th of January. They had, therefore, after the declaration of war, a solemn declaration, signed by the representatives of the Four Powers, that the *status quo ante bellum* was all that they were contending for. He begged the House, at the same time, to remember that he was not seeking to cast doubts on the intentions of Her Majesty's Government, though it certainly was very curious that, after the war broke out, Her Majesty's representative should have signed that last protocol. But his object was to show that we had no right to complain of Austria if Austria deserted us, as she inevitably would, and he would point out why she would desert us. The only article in the convention between Austria and the Porte which affected Austria, was, that Austria should exhaust the means of negotiation, and then take other means to ensure the evacuation of the Principalities. It was true the first article in the treaty between England and France went a step further, and bound those Powers to do all that depended on them to bring about peace upon a solid and durable basis, and to guarantee Europe against future complications; but he must repeat he was not arguing the question as regarded England and France, but as regarded Austria. He pointed out last night why Austria should be a neutral Power. He showed that she would never go with Russia, and that she would never go against Russia, and he pointed out that inasmuch as the incorporation of the Principalities with Russia would be against her interest, she would go as far as to obtain the evacuation of those Principalities, though she would never take any step to engage in hostilities either with Russia or with this country. The interests of Austria in Turkey were identical with those of Russia. Austria had for years been endeavouring to obtain paramount influence in Servia, in Bosnia, and in the Sclavonian provinces of Turkey, and to prevent Russian influence counteracting her own. A very remarkable document—a protest from the Servian Government against the occupation of Servia by Austrian troops—had just been laid upon the table. He would quote from it a sentence most applicable to the present state of things, but it was so important that he would recommend hon. Members to read the whole memorandum, completely showing, as it did, the policy of Austria in the Turkish provinces. In this paper occurred the following paragraph—

> "Any auxiliary troops whatever would be preferable to those of Austria. The Servian nation has so decided a mistrust, if not a hatred, of Austria, that the entrance of the Austrians into Servia would be immediately considered by every one as so imminent a danger, so great a misfortune, that all the proceedings of the Servians would be directed against the Austrian troops, all the energy of the nation would be employed in resisting those enemies in whom is always supposed to be personified that cupidity which urges Austria to seek to exercise in Servia, no matter under what patronage, an egotistic influence. In the same degree as the co-operation of the Austrians might be useful to the cause of the Sublime Porte, if it was given at a suitable time and place, would it beget difficulties and complications, if, despite of all that has been said, it were displayed at Servia."

This document he was led to believe was a secret document, communicated by the Servian Government to the Turkish Minister, which the Servian Government never intended should see the light. It appeared, however, that a correspondent of the *Morning Chronicle* managed to get hold of it, as a correspondent of the same paper some years ago contrived to obtain a copy of the Treaty of Unkiar Skelessi, long before the Government had received it. In consequence of this document being made public, it was laid upon the table of the House, and it so completely exposed the views of Austria, that it was with the greatest alarm Austria found such a paper was known to the rest of Europe. The occupation of the Principalities of Moldavia and Wallachia by Austrian troops would be as distasteful to the Wallachians and Moldavians, as the idea of the occupation of Servia by Austrian troops seemed to be to the Servians; yet we had counselled the Porte, for without our advice it would not have been done, to consent to a treaty with Austria for the occupation of those Principalities. Whether, if Austria were once there, she would ever leave again, was another question. But whether she did or did not, she would never go beyond that; and the very moment the Principalities were evacuated, all our difficulties would begin over again. He must assert that the true policy, which would be followed by every statesman acquainted with the real position of Austria, would be to leave Austria a great neutral Power. In that position she would be of great use; but as to forcing her into an alliance, the attempt was as hopeless as it was vain. She would go to a certain point; beyond that point she would not go; and if you attempted to force her further she might turn on you. And that was the danger incurred, and that was the false policy which had been pursued, in seeking to compel Austria to act against her manifold interests, which were apparent to any one who had studied the subject. It was with very great pain that he found his noble Friend (Lord D. Stuart) making the Motion he had submitted that evening. It placed him (Mr. Layard) in a very awkward position. He was only a young man. He was, he hoped, a Member of the Liberal party. He had carefully avoided speaking in that House on subjects in which he did not take a deep interest. He had troubled the House on this subject because he had studied it for many years, identifying himself with it; and last year he received the kind indulgence of the House, of which no Member stood more in need. He had never been a man of speech —to a certain extent more a man of action —and he apprehended that he might have used expressions not entirely in conformity with the rules of the House. If so, upon that score he had again to trespass on their indulgence. But he could not refrain from taking a part on this subject. He was convinced that there were great objects at stake in this war. He believed this country was deeply interested in its results, and he wished there was some statesman, as of yore, who, rightly understanding the principles involved in this war, would not be satisfied to secure some five-and-twenty years' feverish peace, but would look forward to futurity and to the means of enabling this country still to bear her part as defender of the independence of Europe. This country never had such an opportunity as the present. He believed she was never furnished with a better ally, for the interest and policy of the Emperor Napoleon were identical with our own, and the House of Commons had been unanimous in forwarding the views of the Government. Nothing had been done by Gentlemen on the opposite side to impede Her Majesty's Government. ["Oh, oh!"] Well, if Her Majesty's Government had been impeded, it had been by himself and those near him. He did not wish to impede Her Majesty's Government, but he did wish to exert all the influence he could command to induce Her Majesty's Government to take an enlarged view of this important subject. The choice appeared to him to lie between England remaining a first-rate Power, the defender of the liberties and civilisation of Europe, and England becoming a third-rate Power, the mere brokers and commission agents of the world. He called upon the Government to take advantage of public feeling, and to act irrespective of Austria, for Austria had other and despotic views which were hateful to this country. In spite of Austria, let the Government carry the war to a proper and just conclusion. Everything he had heard in the last few hours tended to shake the confidence of the country in the Government. He did not mean to say that the country generally was mad enough to suppose the operations were carried on as a *ruse*, and that all these great preparations were a sham. He believed British troops would conduct themselves as British troops always had conducted themselves, if their energies were directed by hands equal to what the country expected. It was with the deepest regret that he heard of speeches delivered in another place with respect to the object and purpose of this war, and he rejoiced in the declaration of the noble Lord in his first speech last night. He anticipated that those words would ring through the country, and excite still more enthusiasm. With what pain, then, had he heard, and would the country hear, that the noble Lord had been compelled by some reason, not his own, to get up and unsay what he had said. ["Oh, oh!" *and cheers.*] The country would see that the noble Lord had been unsaying what he had said. He had shown the difference between the statement and the explanation of the noble Lord, and he defied any one to say a difference did not exist. If the noble Lord would get up and repeat solemnly the words of his first speech, then he would believe that the last statement did not differ from the first. He believed some undue influence had been used to induce the noble Lord to retract what in the warmth of his own feelings he had stated to the House. To say that he had no confidence in the Government would be false. He had confidence in the noble Lord and some of his colleagues, but he was not afraid to confess he had no confidence in Lord Aberdeen. He might be wrong, and the country might be wrong, in attributing motives and opinions to Lord Aberdeen which he did not possess; but whether from inability to express himself, or to carry on the affairs of the country, it was certain doubts prevailed throughout the country as to the real intention of carrying on the war. He trusted they were mistaken. He could not believe that all these preparations had been undertaken for nothing. He thought there might be some scheme, he could not say what; but one thing he could say, and that was, the country was distrustful of Lord Aberdeen. Whatever course he (Mr. Layard) took, he took as an independent man. He might have intruded himself too much upon the House, and for which he once more asked their indulgence; but, in conclusion, he felt the greatest difficulty in dealing with the Motion before them. It was said the Government would take it as a vote of want of confidence, and, if carried, resign. It was most painful to him to join in that vote. Yet he felt no shame in confessing that, under the circumstances, considering the discrepancy between the statements of the various Members of Her Majesty's Government, he thought the country would not be satisfied if their representatives left the conduct of the war and all these critical negotiations—because they were told negotiations were still going on—if they left these weighty affairs, in which the honour and credit, and perhaps the existence, of the country were concerned, in the hands of a man in whom the country had no confidence for a long period, when the House did not meet, and there would be no means of bringing the action of Parliament to bear upon them. If, therefore, the noble Lord pressed his Motion to a division, he felt he must either vote with him, or abstain from voting altogether.

Mr. WILKINSON said, he wished to state what was his impression as to what had fallen from the noble Lord (Lord J. Russell) yesterday. It appeared to him that the right hon. Gentleman opposite (Mr. Disraeli) put a perverted construction upon some words which had been used by the noble Lord, and hon. Gentlemen on both sides of the House adopted that construction; whereupon the noble Lord rose for the purpose of explanation, and it appeared to him that the noble Lord repeated exactly what he had previously stated.

Colonel DUNNE said, that looking to the remarkable apathy of the House towards the Motion, he should not have risen but for an observation made by the right hon. Secretary at War, that some person connected with the Ordnance had said that there were only six-pounders out with the British army in Turkey. It was impossible that any such statement could have been made. But what was said was, that there was no battering-train with the army, and that when it was proposed to take Sebastopol, it was stated that the army was not prepared to carry on the seige operations. The right hon. Gentleman had complained of misrepresentations having been made against the commanders of our army in the East, and with regard to the army itself. He (Colonel Dunne) had seen no misrepresentation with respect to the army or its commanders. He believed everybody relied upon the skill and ability of those commanders, and was convinced that the army was as well ordered, equipped, and as well organised as any army in Europe. Much as he respected the French army, he was surprised that any one should consider it to be better in any respect than the British army. He believed that no man in that House or connected with the press had ever found fault with the commanders of the army, or with the army itself. But what had always been said was, and what he feared was the truth, that they had sent out that army so unprepared with everything that, now, towards the end of the campaign, they were placed in a situation in which they were so destitute of means of conveyance that they could not move. That he believed to be perfectly true; and, although the Secretary at War had given an answer to reports in newspapers, yet he had not given any answer to the allegation, that the army was not supplied with a proper commissariat nor with a proper field train. The reason why the army could not advance was, that they were not supplied with mules and horses to carry the baggage, and other necessaries required by an army on its march; and the Government must know well from the reports of the officers in command, that the army would not be able to move until those means were supplied. The country between Devna and Varna, which was about ninety miles from Silistria, was so destitute of the ordinary means of supplying water, that it would take ten hours to draw water for the horses of a cavalry regiment, unless they were provided with cattle to bring the water to them. If there existed such a difficulty in getting up a few squadrons of cavalry, how could they expect to be able to move a whole army towards the Danube without more ample means of supply than our army in Turkey at present possessed? It was obvious, therefore, that, with the means and appliances that were now available, the army could not advance. Then, with respect to Sebastopol—as long as they were sure that Austria would preserve them on the Danube, they might direct their army to the Crimea; but if they were not perfectly secure on the line of the Danube, which he apprehended they were not, the army could not with safety move towards Sebastopol. There were only three months remaining in which the campaign could be carried on, and he must say that, for the safety of the army, he looked forward with great anxiety to the operations that would take place in the next three months. He saw the whole of the difficulties in which they were plunged, all of which had arisen from no preparations having been made at the proper time. The Government at first seemed to think that there would be no war, and, therefore, they appointed no Commissariat until after several divisions of troops had been sent out, and portions of our fleets were at Constantinople. The information which the right hon. Gentleman had read was nothing more than a common report of what an outpost officer ought to have sent in, and which ought to have been known perfectly well by the authorities before the army left this country. When our Ministers and Consuls at the different Courts were reporting that large masses of Russian troops were being concentrated on the frontiers, why were not Commissaries sent out then? The only answer given to that question was, that there was at that time no prospect of a war. But war was always a contingency that might arise, and a prudent Government would ever keep that contingency in view. But, no; the Government did not look forward to events, and were consequently unprepared when those events occurred. Supposing this country had expended a large sum of money in sending out a Commissariat, Russia would then have believed that the Government were serious in their intentions; but, seeing the course which was actually pursued, Russia did not believe that you had any serious intentions of going to war, and that if you did you would not carry it on with earnestness. The consequence was, that when the troops were sent out, they were totally unprovided with the means of carrying on the war, for they had not even the means of supplying themselves with food, and an army without food and without an efficient field-train must be paralysed. He had seen an officer who had been well accustomed to the duties of supplying everything that was requisite for an army, and he said that our army in Turkey was a magnificent army to be in garrison, but that it was unprovided with anything to enable it to carry on a war; and he added that the Commander in Chief left England on the 29th of April, and that the troops had been stationed in one place nearly two months, but they could not advance, although they were almost within cannon shot of the half-starved enemy. It was not, therefore, the fault of the commanders, every one of whom was fit for the duties he had to perform, that the army had not advanced, but it was that everything which was necessary for an army had not been supplied in time. He believed that now the period for attacking Sebastopol had passed by. With regard to Circassia, he considered that a wrong course had been taken in that direction. They had destroyed every fort but the one which they ought to have destroyed, or, at least, have taken, which was Anapa. It was the only one, by means of which they could communicate with the Circassians. If nothing more were done at present than the taking of that fort, the people of this country would be satisfied. It would be considered as a great point gained, as it would be throwing back the Russians. With regard to our fleet in the Black Sea, he considered that it had done everything that could be done there. From the moment it entered that sea, the power of the Russian fleet was paralysed. In three months' time that fleet must withdraw, and it would then be seen what system Russia would adopt with her at present shut-up fleet. With regard to the Motion before the House, he must say he could not give a negative to it, for it was expressive only of the general opinion of the country. He had seen the proposition put forth in every newspaper, for the war had, in fact, been carried on more by the people than by the Government of the country.

ADMIRAL BERKELEY said, he should not have troubled the House with many words had it not been that the hon. Member for Aylesbury (Mr. Layard) had thought proper, in endeavouring to show his antipathy towards the head of the Government, to lay about him right and left upon every party belonging to it. He was glad to see the noble Lord the Member for Marylebone (Lord D. Stuart) return to his place. Both the noble Lord and the hon. Gentleman had attacked the Navy, not sparing that department to which he (Admiral Berkeley) had the honour to belong. He would not indulge in insinuations, nor would he state facts which he could not vouch for. He would not follow the course of the hon. Member for Aylesbury, who stated things as facts, and when they were contradicted said, "Well, I heard so." The hon. Gentleman had complained of the Admiralty having conferred a decoration on the gallant officer who had served at Odessa. He begged leave to tell the hon. Gentleman that the decoration was not conferred upon that gallant officer for his conduct before Odessa, but that the late First Lord of the Admiralty had made up his mind to confer that honour upon him for the services he had performed at Lagos, and surely there could be no objection to Odessa being added to Lagos as a ground for that distinction. The hon. Member for Aylesbury had also stated that various sums of money had been paid for demurrage owing to the delays of the Admiralty; he stated that between 20,000*l.* and 30,000*l.* had been paid in consequence of those delays. He begged again to tell the hon. Gentleman that no demurrage whatsoever had been paid. It was true that transports which had taken the troops to Constantinople had been detained there in order to convey those troops to Varna; and he would ask the hon. Gentleman, whether he would have sent those transports about their business, or would have retained them till the army no longer required their services? The hon. Gentleman was also very unfortunate in his remarks respecting the *Himalaya.* That vessel, having performed its duty to the Government, returned to Malta, when it so happened that the party who had chartered her wished her to go to Alexandria on packet service, she not being wanted by the Government at that time to return with troops to Constantinople. She went to Alexandria, and then returned to perform those duties for which she had been engaged. The noble Lord the Member for Marylebone said, last night, that although the army as a demonstration was very good it was not fit for action, and that the same observation applied to the Navy. Now, he ventured to tell the noble Lord, in the face of the House and the country, that we never had finer fleets, or Admirals more firmly resolved to carry on the war in the manner which the country expected it to be conducted.

Lord DUDLEY STUART said, he could assure the hon. and gallant Gentleman he had mistaken his observations; he had never said that the British fleet was not fit for action. What he said was, that it had not the vessels necessary to conduct operations in shallow water.

Admiral BERKELEY: Since the noble Lord disclaimed the language, he would not further advert to it. The noble Lord, however, proceeded to say that—

> "There was a great deficiency of vessels of shallow draught of water and of mortars. He was assured that Cronstadt was accessible on the south side to vessels of very considerable size, and, that if twenty vessels with mortars were sent there, the place might be successfully bombarded, and the Russian fleets and arsenals might have been laid in ruins before this, had the gallant officer in command of the fleet been supplied with requisite means by the Government, and not received orders to hold his hands."

The noble Lord likewise said—

> "He believed it would be possible to procure steamers of 200 tons, drawing only three feet of water, which would carry one or two heavy guns."

Now, he was certain, that the country would be extremely obliged to the noble Lord if he would teach the Surveyor of the Navy how to build steamboats, drawing only three feet of water, which would be able to carry two very heavy guns besides engine-boilers, coals, and stores. Then, as to the statement that Cronstadt might be successfully bombarded by twenty vessels, he would beg to read to the House an extract from a letter written by the gallant Admiral in command of the Baltic fleet. He had served with the gallant Admiral; he knew his determination, and he was sure that he would leave nothing undone on his part to enable him to get at the enemy. Before the noble Lord again talked of knocking down Cronstadt, let him ponder on the passage he (Admiral Berkeley) was about to read. Admiral Napier said—

> "It has not been in my power to do anything with this powerful fleet; for attacking either Cronstadt or Sweaborg would have been certain destruction."

This was not all; Admiral Chads—than whom no man possessed a greater amount of scientific knowledge—wrote also in these terms—

> "After two days' inspection from the lighthouse, and full views of the forts and ships, the former are too substantial for the fire of ships to make any impression. They are large masses of granite. With respect to an attack on the ships where they are, it is not to be entertained."

It was said that the Government was not in earnest in the prosecution of the war, and that Sir Charles Napier had not been supplied with everything he wanted. Upon this point he must trouble the House with another extract from a report written by Admiral Seymour, who was Captain of the Fleet, and whose duty it was to see that the fleet was provided with everything necessary for the operations of war and the comfort of the seamen. Admiral Seymour wrote—

> "We have never been at any time in want of anything, thanks to the provident measures adopted by the Admiralty."

The passages which he had read proved how unfounded the statements were which had been made on the subject, and yet those statements, unless they received a positive contradiction, such as that he had been able to give, made an impression on the country. The Secretary at War had completely rebutted the erroneous statements put forth respecting the Army, and he trusted that he had done the same service for the Navy. Only one observation further he felt it necessary to make respecting the noble Lord's insinuation, that Sir Charles Napier had received instructions from the Government "to hold his hands." In the strongest language which man can use (continued the hon. and gallant Admiral) I declare—and as it is part of my duty to draw up orders for the Admirals, I can speak with authority on this point—that there never was a British officer who had more completely a *carte blanche* to undertake what he pleased. So far from his hands being tied up by the Government, they have afforded him every encouragement to proceed.

MR. F. SCULLY said, he thought that if it had not been for the speech of the noble Lord (Lord D. Stuart), the House would not have heard such unexpected and unwelcome intelligence as that which had been delivered with respect to its being useless to attempt to take Cronstadt or Sebastopol. If hon. Members had taken into consideration the difficulties which the Government had to contend against as regarded foreign Powers, they would not have blamed them so severely for the course which they had taken; but after looking at the questions involved, his opinion was, that if this country had compelled all those great Powers to commence active operations, very great responsibilities would have rested upon their shoulders. For his part, he considered that, taking into account all the difficulties with which the Government had to contend in their relations with foreign Powers, they had acted throughout with great prudence and propriety, and that Lord Aberdeen especially, though avowedly a man of peace, had acted, now that war had unfortunately broken out, with all necessary promptitude and vigour. Above all, he would remind the House that Lord Aberdeen only formed one of a Cabinet; and he could not understand the system which seemed lately to have come into fashion, of making one individual responsible, and not the whole body of the Government. If the hon. Member for Aylesbury or the noble Lord the Member for Marylebone had any direct charge to make, let them move an impeachment, or at least bring forward some distinct Motion of censure. But he protested against these sidewind attacks, which raised the question of want of confidence indirectly. For his part, he would vote against the Motion of the noble Lord if for no other reason than this, that he protested against sitting there till Christmas. The effect of carrying such a Motion as the noble Lord's (Lord D. Stuart's) would have a most injurious and damaging effect, and he should therefore oppose it. He wished to call the attention of the House to the words of the noble Lord (Lord John Russell) last night. The noble Lord then contended that the powers of Russia should be diminished to a considerable extent in the force which she had in the Black Sea. To that statement, he believed, the noble Lord still adhered. The noble Lord alluded to the manner in which this was to be attained. He could not see anything in the words of the noble Lord which, fairly interpreted, went to the taking of the Crimea and the destruction of Sebastopol, though he (Mr. F. Scully) thought that the very best course of operations which could be adopted. This Motion had not, he thought, been fairly put before the House, and he regretted that the noble Lord the Member for Marylebone should have brought forward a Motion which would be taken advantage of by the opponents of the Government. If the Motion were carried, it would be by strategy, and the Motion was by no means a fair mode of testing the question. He had heard the noble Duke the Secretary of State for the War Department praised for his conduct of the war, nor was the Government blamed for the conduct of operations. Then what was the charge—what was the statement of neglect or misconduct? What were they called upon to find fault with? This was a most important question. They were asked to resist the prerogative of the Crown, and no ground whatever had been laid for it. They ought to have strong grounds indeed for sanctioning such a course. The whole attack to-night had dwindled into mere matters of detail. Why not, he repeated, bring the conduct of the war, if they really found fault with it, fairly and intelligibly before Parliament? He was conscientiously opposed to the Motion.

SIR JOHN SHELLEY said, he could not support this Motion if it was intended to signify a want of confidence in the Government; but if it was intended as a vote of want of confidence in Lord Aberdeen, he would vote for it with all his heart and soul. He believed that a general feeling of distrust with reference to that noble Earl existed in this metropolis; at any rate, in that part of it which he represented, except, in some of the dark passages about Downing Sreet. Lord Aberdeen had never taken such opportunities as fell in his way to remove that impression, if it were a wrong one. Last night he had such an opportunity; he might have spoken in the gallant and plucky way in which the noble Lord the leader of the House had spoken; but he had taken no pains to do so. He could not deny that there were men of talent, of ability, and of world-wide reputation in the present Cabinet; but still it was impossible to deny that though singly they were men of great reputation, yet collectively they were not successful, and were unable to command a majority in that House. The position of the Ministers reminded him of an answer made by a lessee holding under a dean and chapter. The lessee was about to renew his lease, and thinking that the dean and chapter were inclined to take some little advantage of him upon some points, he demanded a written agreement. They said to him, "Surely you will be satisfied with our promise." "No," said he; "taken singly you are very good honest men, and individually I would take any of your words; but, collectively, I have no faith in you." They were like a dozen different sorts of wine, very good and excellent if drank singly, but when all mixed together neither agreeable to the palate nor good for the stomach. As an Administration they had neither suited the taste nor the constitution of the people. The war, he admitted, was popular with John Bull. John Bull thought the gallant little Turk had been bullied by the great Emperor of all the Russias, and therefore he backed the Turk; but John Bull was a man of business, and he looked for some return for the money he had himself spent in the cause. He had spent his money willingly, because he expected some return for it. The tax-gatherer was coming round again: and when John Bull found his burdens doubled, he would naturally ask what he had got for his money; he would ask if no battles were to be fought except by the Turks, if Omar Pasha was to be left unsupported, and how it was *ce cher Aberdeen*, the sincere friend of forty years' standing of the Emperor of all the Russias, remained at the head of the Government? Another question would also force itself upon the attention of the taxpayer. It was this—how a noble Lord, who ought at this moment to be carrying on the administration of the War Department, was left to waste his energies upon Chadwickian vagaries and the removal of nuisances at the Home Office? The Queen, he knew, had the right to call whomsoever She pleased to Her counsels; but the Members of that House had also the right of comment upon the advice given to Her in the selection of Her Ministers. Exercising this privilege, he would state that a report was current which, if not true, could be contradicted; but which, if true, would afford a clue in unravelling the intrigues that had brought about the late changes in the Administration. When war was declared, it became apparent that some alteration must take place in the management of the War Department; and Lord Grey made in the other House a forcible speech on the subject, in which he introduced various recommendations. Nothing, however, was done; but at last public attention was roused to the subject, and the noble Lord the Lord President, on the 8th of June, announced the appointment of the new War Minister. The arrangement, however, greatly disappointed the people, for Lord Palmerston was left at the Home Office, whilst the Duke of Newcastle was appointed the new Minister of War. It was the general opinion that when the question was brought before the Cabinet, two or three Members of it pressed upon Lord Aderdeen the fitness of Lord Palmerston for the office; that Lord Aberdeen said that so long as he held the office of Prime Minister, Lord Palmerston should never be Minister of War; and that he insisted upon the Duke of Newcastle taking the department, though his Grace was ready to resign in favour of the noble Lord. If this report were true, the Duke of Newcastle should not be blamed for having accepted the appointment. With regard to the question immediately before the House, he considered that, though Parliament ought to leave the Government all the responsibilities of the war, the Government were bound to consult the wishes of Parliament upon the subject of an adjournment. There should be an adjournment for two months, or some given period, instead of a prorogation, because the advantage of an adjournment was, that Parliament would reassemble at the appointed time whether the Government liked it or not. And he observed that the right hon. Gentleman (Mr. S. Herbert) had declared that the Motion for an adjournment could not be considered as an interference with the Queen's prerogative. He desired, however, to press upon Her Majesty's Ministers, and particularly upon the Liberal party in the Administration, that the course they were pursuing was by degrees ruining the Liberal interest. Whenever the right hon. Gentleman opposite (Mr.

Disraeli) had taunted them with the non-performance of the promises they had made, they had replied by asking him why he did not bring forward a Motion of want of confidence. The right hon. Gentleman showed great discretion, generalship, and tact in not accepting the challenge. The real truth being that the places of the Government were not yet quite ready for himself and his party, and that they were not ready for the places. The right hon. Gentleman thought, and possibly correctly, that if the Government held out a little longer, the course they were pursuing constantly leaving them in minorities, the Liberal party would be so thoroughly smashed, that of necessity he must come in. Such an event he (Sir J. Shelley) believed would be opposed to the feelings of the country. His object was to keep the right hon. Gentleman and his Friends out of the Government; but for this end, and in order to secure popularity, the best course to be taken by Her Majesty's Ministers was to cause the noble Earl at the head of the Government to disabuse the public mind of the impressions abroad respecting his views, and then the country would feel assured that the war would be vigorously carried on until a just, honourable, and permanent peace had been obtained.

SIR JOHN WALSH said, the great bulk of the Conservative party, with which he was connected, had acted throughout this question upon one principle. They felt that the interests involved were too great, and the stake for which the country was playing far too precious, to permit them to select it as a battle field for the contests of party. He gave great credit to the right hon. Gentleman the Secretary of War for the warmth and sincerity of his feelings, but he had, however, placed him in a somewhat difficult and embarrassing situation by placing the question upon the ground of a general vote of confidence in the Administration. Now who, looking at the course they had taken this Session, could have confidence either in their strength, in their numerical majorities, or in their power of commanding support? They were in minorities every other night. Who, too, could feel any confidence in their consistency when they embraced every possible variety and shade of opinion? Who could feel confidence in their firmness of purpose, even as regarded the war, when different Members of the Cabinet held language which it was impossible to reconcile. If, therefore, the question was placed upon the single issue of want of confidence, he should be sorry to imply by his vote that he intended to express confidence in Her Majesty's Ministers; and he was therefore forced into this embarrassing situation—that he was either obliged to vote for a Motion which he did not approve, or express a confidence which he did not feel. With regard to the speech of the noble Lord the Lord President last night, perhaps he, as an humble auditor, might be permitted to give his version of what had created a considerable degree of doubt. He certainly thought, when the noble Lord spoke of the menacing attitude of Russia in the Crimea, and that her strength consisted in the fortifications of Sebastopol and in the power of her fleet, it was intended to remove that menace by destroying both the fleet and the fortifications. But, on reflection, he thought the noble Lord had left himself a mousehole to creep out of. The noble Lord had been led into making these observations by his desire to court popularity—one of the cardinal points of his political career, for he had always shown a disposition to use language calculated to catch the public mind out of doors, and to chime in with current opinion; but which, at the same time, went beyond his own real convictions. He (Sir J. Walsh) should, however, ask what had been the conduct of Ministers in the present war, and whether they were entitled to the credit which the right hon. Gentleman (Mr. S. Herbert) had claimed for them. He admitted that they had had great difficulties to contend with. He admitted that it was particularly difficult for Her Majesty's Ministers, who, in a great degree, had given in to the cry of peace and retrenchment, all of a sudden to alter their tone, and to call upon the country to make sacrifices for the purpose of carrying on the war. At the same time he must admit that they had made very considerable exertions, and had accomplished the fitting out of a very considerable armament; but they had been very far indeed from accomplishing that amount of military preparation which was necessary to our entering, as we ought to enter, upon this great contest. What was the state at this moment of our army in the East? It was true that Her Majesty's Ministers had sent out to the East a very considerable army in a very short space of time. That army amounted to between 30,000 and 40,000 men: and the world had probably never seen, in proportion to its numbers, a finer body of infantry than that which was now assembled under the British flag at Varna. But to do this they had stripped the country of almost every soldier which it possessed; the depôts at home were deserted, and, what was more, the army which the Government had so sent out was not properly sustained by cavalry. He had called attention very early in the Session to the fact that, at a time when they were called upon to strengthen as much as possible the military force of the country, the number of cavalry proposed to be provided by the Government, instead of being increased, was actually diminished. The diminution, it was true, was not considerable; it amounted to a few hundred sabres only; but still there was a diminution, and the fact was of considerable importance, because an adequate supply of cavalry was essential to the operations of an army, and was more particularly essential to the success of those operations in the countries in which we were about to enter upon the campaign. Those countries were particularly favourable to cavalry operations, and as Russia had an ample cavalry force, an army which was deficient in cavalry would enter into contest with her under the greatest possible disadvantages. Now, so far from having begun to recruit their cavalry, and to supply what was an undoubted deficiency, the Government—because it was an expensive force, and because they did not like to ask for the amount of money which would be necessary for the purpose —had sent out regiment after regiment to the East, which were upon the peace establishment, which were in fact not real regiments, but mere squadrons or skeletons of regiments—kept in that state during peace, but always intended to be increased in case necessity should call for it, yet now made available in time of war without being placed upon a war footing. While, therefore, they were stripping this country of every regiment of cavalry, they were still not sending out to the army in the East the cavalry force which they ought to send, in order to support the exertions of their infantry. He would next come to the artillery, the supply of which was also inadequate. The artillery of England was, without doubt, the best in the world. General Foy, after the Peninsular war, paid the highest compliments to our artillery, and it was a fact that there was no similar force in which the horses and appointments were better, or the artillerymen more skilful. But the number of guns which had been sent out to Turkey was too small, not only in proportion to the number of infantry employed, but in proportion also to the relative number of guns and men in a Russian *corps d'armée*. Every Russian *corps d'armée* of 40,000 men had 120 pieces of artillery; but how many pieces of artillery had the 40,000 men who were at Varna, or on their way thither? Then, again, with respect to the Commissariat. Whether it was owing to the circumstances of the country, or to the inefficiency of the parties employed, he would not pretend to say, but the fact was, that they had not an efficient Commissariat. They were under the same difficulty with respect to transport, for they had not succeeded in obtaining a sufficient number of beasts of burden to enable the army to move, and it was therefore placed in a very mortifying position, while they had held themselves up to the eyes of Europe in a not very creditable light, inasmuch as, while the Turks had achieved the triumphs to which reference had been made, it appeared as if the English army had gone back—as if it were not willing to give assistance to its allies, whereas the fact was, that it was not able to assist them, owing to the indifferent arrangements which the Government had made. All this depended on considerations of money, and they had come now for a Vote of 3,000,000*l.*, because they were afraid to let the people of England know the entire extent of the struggle in which they were engaged, and were, in fact, deluding them, by telling them that this 3,000,000*l.* would suffice to accomplish all the objects of the next six months. He would now say a few words upon the Motion of the noble Lord opposite (Lord D. Stuart). That noble Lord was the advocate of a set of opinions to which he (Sir J. Walsh) was entirely opposed, and he could not separate the noble Lord and his opinions from the Motion now before the House. He rather suspected propositions emanating from that quarter; and he must say, that the noble Lord had not at all disguised the object with which he had brought forward his Motion, because he had stated that he wished to raise a struggle in behalf of "oppressed nationalities." Now, what the noble Lord meant by that was, that he would plunge Europe again into all the troubles and storms of the year 1848. Now he would tell the noble Lord what would be the consequences of such a line of policy. In the first place Austria—whose material interests were engaged in checking the progress of Russian ambition, although her conduct had to some extent been vacillating and uncertain—would be decidedly against us, if the noble Lord should succeed in raising this question of "oppressed nationalities." It was equally certain that Prussia would also be against us, and we should at the same time lose the support of that ally upon whom, more than upon any other, all our hopes of success in this great struggle turned. If England were to adopt the views of M. Kossuth and of M. Mazzini—["Question, question!"]—he maintained that he was speaking to the question—did the hon. Member who cried "Question" mean to say that the observations he was making did not bear directly on the question before the House? If England, then, were to adopt the views of M. Kossuth and M. Mazzini, she would certainly lose the support of the Emperor of the French, who had risen to the great position which he held, not only in France, but in Europe, by controlling and by crushing that revolutionary spirit which the noble Lord on the present occasion seemed so desirous to revive. One consequence of the success of that agitating policy which the noble Lord would seek to act upon, would be to alienate that great Power, and to turn it into the opposite scale; and this country would be left alone to struggle through this contest as best she might, with the support of M. Kossuth and M. Mazzini. He thought the noble Lord's Motion was liable to the further objection that, by adopting it, they would be approaching to an interference with the prerogative of the Crown. He did not say that, under very strong and special circumstances, the House might not be called upon to vote such an Address, but to attempt to dictate to the Crown when Parliament should be prorogued, except upon very strong and urgent grounds indeed, appeared to him to be approaching towards a vote that the House of Commons should be permanent. If, therefore, the Motion should be pressed to a division, it would be his duty to vote against it.

Mr. MONCKTON MILNES said, he could not think that the present thinly attended state of the House enabled them seriously to regard the present question as a vote of confidence in the Government. He had not been eager to take a part in the debates upon the war. He had given a good deal of attention to this subject, and knew something about the countries in which the war is going on, but he did not regard that House as a place for crude speculations, or for literary or political dissertations upon the causes of the war. For himself, he had looked upon this war as one of the greatest misfortunes that had ever befallen this country, and he still regarded it in this light. Feeling the enormous hazards of the contest, he could not blame the conduct of those Ministers who did all they could to avert from Europe the misery of war. If he could believe that this war was likely to be of benefit to the oppressed nationalities of Europe, he might not think this benefit dearly purchased at the price we should pay for it; but he could not see daylight through the difficulties of this question, or perceive by what practicable settlement of Europe we could secure the power of Russia from such future preponderance as would enable her to renew, at no distant period, all those efforts which had on the present occasion led to our interference. There was only one power that could be called into action to check the power of Russia—a power which he was not prepared to call into action, and which he was sure the Government would not. He had joined heartily with the House of Commons in supporting the Government with all the sinews of war, which had enabled them to carry out their measures with so much success. He wished he could regard with the same satisfaction the diplomatic proceedings of Her Majesty's Government. The diplomatic action of this country with the German Powers had proceeded upon erroneous principles, which he feared would end, not only in complicating this question, but in involving this country in dishonour. If we had undertaken this war in a single alliance with our manly and straightforward ally, France, why then there would have been no distrust as to the course into which the country would have been led; but we had entered into a very different course. He did not find fault with the course of diplomacy before the war; then it was right, in the endeavour to maintain an honourable peace, that the moral weight of every Power in Europe should be invoked. But when war was once entered upon, he thought that both prudence and justice ought to have forbidden this country from entering upon a course of diplomatic action with any German Power. He believed that the withdrawal of Austria and Prussia from a common action with England and France in the earlier part of the negotiations upon this question had brought about the war. At that moment the proper policy for this country to pursue, and a policy dictated by prudence, would have been to tell Austria that nothing was asked from her then, and that if she came against us with arms, we were perfectly ready to meet her with arms. Such a step would not have complicated the negotiations, but, on the contrary, the action of Austria would have been further advanced. He had no hesitation whatever in saying that the unfortunate mistake in our diplomatic action of mixing ourselves up in German questions must result in great complications and difficulties to this country, and would enable the German Powers, who had no great good-will towards us, to prevent the war from coming to a speedy termination. He wished hon. Gentlemen would for a moment seriously consider what was the position of Austria in this matter. From the very commencement Austria had acted solely in advancing her own interests, and had been actuated by the most selfish principles; and the advantages which had accrued to the Allied Powers went no further than to enable the noble Lord the President of the Council and the noble Lord at the head of the Government to express a hope that we should have the co-operation and assistance of Austria. He believed that a remark which had fallen from the hon. Member for Aylesbury (Mr. Layard) had been misunderstood by those who followed him. The hon. Gentleman did not consider that the blockade of the Russian ports was entirely inefficient, but he said that no blockade, however nautically complete, would be effectual unless it entirely impeded the trade of Russia. If the commerce of Russia were really suspended, and the export of her productions and commodities prevented, she might be brought to sue for peace; but, unfortunately, no progress had been made in that direction. In fact, some advantage had accrued to Russia in her goods passing by land instead of sea, and so long as perfect freedom was given to Prussian and other German bottoms to carry Russian goods, nothing would have been done in the way of placing a material pressure upon her trade. He (Mr. M. Milnes) much regretted that, when the law as to neutrals was brought before the House on a previous occasion, it had not received from hon. Members that consideration which it deserved, for he feared that the regulations fixed on by the Government, although they were made in the cause of humanity, would turn out to be inhuman in truth. They would, it was to be feared, have the effect of prolonging the war to an indefinite extent. A great deal of personal matter had been introduced into the debate, and he could not say that it had been introduced unjustly or inopportunely, inasmuch as, when a Cabinet Minister considered the Motion to be one of want of confidence, it was reasonable and proper for Parliament to review the conduct of individual Members of the Government. He did not, however, look upon the question as a vote of want of confidence, but he must be allowed to say that he thought some Members of Her Majesty's Government were affected in public opinion by their antecedent public conduct. It was impossible to deny that the Earl of Aberdeen, in coming forward now as the enemy of Russia and the defender of the Turks, stood in a very different position from that which he occupied when Secretary of State for Foreign Affairs. But since the Earl of Aberdeen had undertaken the great task which he had now in hand, he (Mr. M. Milnes) had not seen that he had in any way practically failed in carrying out the real objects of the war, and he should not consider himself justified if he were to presume that the exertions of the noble Lord would be relaxed. He did not believe that the noble Lord the President of the Council, or the noble Lord the Member for Tiverton (Viscount Palmerston), would feel inclined to retain office longer than they could do so with honour, and he thought they would abandon the Cabinet of the Earl of Aberdeen the moment anything was proposed to be done unworthy of the dignity and honour of the country. For these reasons he was unwilling to vote for the Amendment of his noble Friend (Lord D. Stuart). As to the question of adjournment, instead of prorogation, he was bound to say that there might be many advantages in favour of adjournment. It enabled Ministers, in case of necessity, to take the advice of Parliament; it put it in their power to correct false statements, which were certain to get abroad in time of war, and it gave them a means of strengthening their position in the country at large. He believed that if the Ministry had taken Parliament into their confidence in the question of the war at an earlier period than they did, many of the difficulties which they now experienced would never have occurred. This consideration ought to influence their future conduct. There was but one other circumstance to which he would allude, and that was as to the statement of the noble Lord (Lord J. Russell) with regard to Sebastopol. He (Mr. Milnes) had never understood the noble Lord to say that that place must be taken. He stated this, not that he thought the explanation of the noble Lord required confirmation, but because every hon. Member had thought it right to advert to the matter in that evening's debate, and he could do no less than follow their example.

MR. HILDYARD said, he had been present when the hon. and gallant Admiral the Member for Gloucester addressed the House, and, as an independent Member, he could not refrain from protesting against what he considered to be the greatest indiscretion ever committed by a Member of a Government. ["Oh, oh!"] If hon. Gentlemen who cried "Oh!" were in the House at the time the gallant Admiral made his speech and did not concur with him (Mr. Hildyard), he must say he could have no respect whatever for their understanding. The hon. and gallant Admiral, in commenting upon certain imputations which had been made against the efficiency of our fleet, and the manner in which it had been sent forth, read two extracts from private despatches of Sir Charles Napier and Admiral Chads, which stated that if an attack were made either upon the fortresses of Sweaborg or Cronstadt, the destruction of our fleet would be inevitable. Now he wished to ask those hon. Gentlemen who had thought proper to interrupt him if they considered that that was a prudent declaration to make? The House were now assembled to receive the Report of a Committee which had granted a Vote of Credit to her Majesty for the purpose of carrying on the war efficiently and of bringing it to a speedy termination, but how were they to hope for the attainment of that end if such declarations as this were to be made by Members of the Government? What effect would it have to-morrow across the Channel, in France, when the people of that country found it announced by a Lord of the Admiralty that the combined fleet of England and France could not attack Russia on any of those points on which it was desirable to operate? What effect would it have across the Rhine, in Germany, in those countries which had been described by the hon. Member who had just sat down as selfish and desirous only of advancing their own interests? What effect must be produced in the Russian territories by the declaration of the gallant Admiral, which would reach Cronstadt in a week? Every one was hoping that the reverses which Russia had experienced would bring the Czar to his senses, and that the war might speedily be concluded; but nothing could be more calculated to confirm the Russian Emperor in his present course than a declaration that Russia need entertain no apprehension for her fleet at Sweaborg, and that Cronstadt could not be attacked without risking the destruction of the united naval armaments of France and England. It was well known that Sebastopol was a fortress of the first class, and therefore the Russians might be pretty certain that their position at that point was secure. He regarded the indiscretion of the hon. and gallant Admiral as of so grave a nature that he hoped the Government would be enabled in some measure to qualify the statement he had made. There was an old maxim—"*Dolus an virtus, quis in hoste requirat?*" and he hoped it might turn out that Sir Charles Napier had suggested that the hon. and gallant Member for Gloucester (Admiral Berkeley) should endeavour to throw the Russians off their guard by telling them that they need entertain no apprehension for their fleets. He hoped that the noble Lord opposite (Lord J. Russell), or the right hon. Baronet at the head of the Admiralty (Sir J. Graham), would be able to qualify the statement of the hon. and gallant Admiral, for an hon. Gentleman who sat next him (Mr. Hildyard), when that statement was made, remarked to him, "I think in the whole course of my life I never heard such indiscretion."

ADMIRAL BERKELEY said, he hoped the House would permit him to say a few words in explanation, in reply to the attack which had been made upon him with so much warmth by the hon. and learned Gentleman opposite. He (Admiral Berkeley) had not referred to any official communication, but to private letters addressed to him by officers of the fleet, and it was for those officers to deal with him if he had read private letters improperly. He had read those letters in order to refute the charge or imputation that Sir Charles Napier's hands were tied by the Government, and he thought the letters proved that the gallant Admiral's hands were not so tied. Those letters showed that, situated as Sir Charles Napier then was, an attack upon either Cronstadt or Sweaborg would risk the destruction of the British and French fleets. Since he (Admiral Berkeley) had received the letters, however, a large French force had been embarked at Calais, and had gone to reinforce the gallant Admiral Sir Charles Napier; and he (Admiral Berkeley) would answer for it, that whatever could be done by two gallant nations in arms would be accomplished in the Baltic, notwithstanding the great indiscretion of Admiral Berkeley in having backed up Sir Charles Napier's opinions, that Cronstadt and Sweaborg were not to be attacked by ships alone.

Colonel BLAIR said, if he supported the Motion of the noble Lord the Member for Marylebone, he would not feel that he supported a Motion implying want of confidence in the Government. He should feel that he was only giving his support to that which many persons in this country greatly desired—an autumn Session of Parliament. With regard to the statement of the right hon. Gentleman opposite, the Secretary at War, to whose speech he had listened with great admiration, he should have gone into the lobby with the noble Lord with perfect satisfaction to himself that in so doing he was not voting a want of confidence in the Government. If the House met in autumn, and if, in the interval, the Government had carried on the war successfully, they could only expect the congratulations of the representatives of the people. If, on the contrary, the country had sustained reverses in the interval, (which Heaven forbid!) then to whom could the Government look with more propriety for counsel and assistance than to the representatives of the people? He saw the question entirely in that light, and not as a vote of confidence or want of confidence. But after the observation of the right hon. Gentleman he could not give a silent vote; and if the question went to a division he should vote for the Motion of the noble Lord for these reasons.

Mr. PETO said, he considered that there was no ground whatever for a vote of want of confidence in Her Majesty's Government with regard to the conduct of the war, for he considered that they had done everything that prudence and foresight could suggest to promote the success of our naval and military operations. In considering a question of this nature, the House should bear in mind the difficulties which the Government had to encounter. He had had much to do with the construction of works in foreign countries upon which large numbers of workmen were employed, and he could, therefore, form an idea of the difficulty the Government must have had in carrying out their plans at so great a distance. He considered that the complaints which had been made, that the Government had done nothing, were most unreasonable and unjust. If Her Majesty's Government had adopted any rash measures which had jeopardised the interests of this country, no one would have been more ready to express want of confidence in them than the very persons who now charged them with inaction. Four months had elapsed since this country engaged in hostilities, and during that period nothing had occurred which could shake the confidence of the people in the Government with regard to the prosecution of the war. He thought, then, that the Government were perfectly correct in treating this Motion as a vote of want of confidence. He conceived that no Ministry, composed of high-minded and honourable individuals, could submit to have their hands tied and the discretion of the Sovereign fettered with regard to the prorogation of Parliament. He must say he thought that a great deal of mischief arose from discussions of this kind. Some hon. Members, it appeared, would not be content until they forced the Government to make disclosures, and then, when Gentlemen were placed in the painful position in which the hon. and gallant Member for Gloucester (Admiral Berkeley) had been placed to-night, and were obliged, in vindication of the Government, to mention certain facts, hon. Gentlemen opposite at once exclaimed, "Oh, here is indiscretion!" He considered that the House should either place entire confidence in the honour of the Government, and enable them to conduct the war to a successful termination, or they should say to Her Majesty's Ministers, "We won't supply you with the means of carrying on the war, unless you tell us everything you are going to do and the way in which you propose to do it." He regretted to hear the continued imputations to which the Government were subjected by certain professed supporters of theirs, who, he was sorry to say, continued to sit on that (the Ministerial) side of the House. He could easily understand opposition and declaration of want of confidence from the other side. He quite understood the attacks which were made upon the Ministry, fairly, openly, and manfully, by the right hon. Member for Buckinghamshire (Mr. Disraeli), but when such Motions as that now before the House were brought forward by a noble Lord who was a professed supporter of the Government, he must say that he thought the noble Lord (Lord D. Stuart) would act with more candour if, being unwilling to leave the conduct of the war in the hands of Her Majesty's present Ministers, he at once said, "I once was a supporter of the Government, but I am so no longer; I am now their determined opponent; I have no confidence in them, and I ask those who entertain the same feelings to support my proposition." The country would understand such a course as that, but he (Mr. Peto) must say that he believed the country had given to Her Majesty's Ministers their most unreserved confidence with regard to the conduct of the war. He was satisfied that the country properly estimated the hesitation with which the Government had entered upon this war, and he was also convinced that the country would continue to repose confidence in the Ministry with regard to the arrangements for the prosecution of the war, until some better reasons than had yet been adduced were shown for the withdrawal of that confidence. From what he knew of the state of feeling in France, he felt certain that there was a cordiality growing up between the two countries which would be worth all the risk of the war, and which, indeed, if it continued, as he believed it was likely to do, would set the result of the war beyond all fear. There would be no cause for regret, he felt assured, if what was now going on led to the establishment of a frank and cordial intercourse and a united action between the two countries.

LORD JOHN RUSSELL: Mr. Speaker, there are but few things which I find it necessary to say at this stage of the debate, and I shall certainly not accept the invitation of my hon. Friend the Member for Aylesbury (Mr. Layard) that I should make over again the speech which I made last night. I certainly do not think it necessary to give any further explanation of the statement which I then made. I have seen this morning reports of what I then stated, and they appear to me to be accurate, and by that statement I am quite willing to abide. The hon. Member for the West Riding of Yorkshire (Mr. Cobden), following another hon. Member who assumed that the object of the war was the dismemberment of Russia, proclaimed last night that our object was the destruction of Sebastopol, the occupation of the Crimea, and, I think, the transference of the Crimea to some other Power. Such was the inference which that hon. Member drew from what I said; but it was a perfectly gratuitous inference, for the statement which I made did not bear that construction. But we have, certainly, every kind of opponent to deal with. There are some who tell us that it is wrong to go to war for the dismemberment of Russia; others there are who tell us that we are not seriously at war, and that we are unwilling to do any injury to Russia. In this state of affairs, I certainly thought it due to the House of Commons, now almost on the eve of prorogation, that I should enter more fully than is usually done into the question of the objects of the war, and into the present state of our foreign relations. I did so as fully as it was possible to do, and I am willing to bear the consequences if I made that statement to the House with too little reserve. I believe that, in carrying on a war in which the feelings of this country are engaged, it is not imprudent to state at large to the country what are the general objects which we have in view, and what are the ultimate ends which we hope to attain. My hon. Friend the Member for Aylesbury says, indeed, that he wishes that there were some statesmen among us who could take a statesmanlike view of the objects of this war, and who could take that view which statesmen alone can take of the importance of the objects and the magnitude of the contest. If, indeed, we who belong to the Ministry are entirely blind on these points—if, in all the debates which have occurred, we have never expressed properly why it is we went to war, and what should be the objects we should look to in concluding peace, then that hon. Gentleman, who is so much more enlightened than we whose views are so much more enlarged, and who has calculated the interests of all the Powers of Europe, should have told us what those objects ought to be, and in what manner we were to carry on this contest. He has not so enlightened us, I am sorry to say. It appears to me, however, that the general case may be stated in very simple language, and without any very great profundity of view. The Sultan of Turkey has been attacked by the Emperor of Russia. Has he been unjustly attacked? Yes, he has. Have we any interest in defending him? Yes, we have. This, it appears to me, is a very plain and simple case, and one with which the mind of the people of this country is perfectly satisfied, without resorting to any of those profound calculations in which the hon. Member for Aylesbury indulges, or to any of those mysterious views which he entertains in his own breast, but which he so carefully conceals from us, who, no doubt, are his inferiors in personal knowledge, discernment, and farsightedness. Well, then, Sir, with regard to the conduct of this war, in stating generally the reasons for asking the House to agree to this Vote of Supply, I refrained purposely from entering into any observations on those anonymous accusations which have been made either against the Government which has sent out our fleets and armies, or against those who have the command of them. There had been no such accusations made in this House, and I thought it was unbecoming my position to expect that such accusations would be made. I regret, however, that some of those accusations have been repeated here, but my right hon. Friend the Secretary at War has given so ample and so full an explanation on those points that it is not necessary for me to add a word on that part of the subject. Why, Sir, we know, or at least we ought to have known—and if we had not found it out for ourselves, one hon. Member of this House, the hon. Member for West Surrey (Mr. Drummond) pointed it out to us—that this war is not at all similar to others in which we have been before engaged. If, for instance, Sir Charles Napier, instead of having to encounter dangerous shoals, granite-built forts, narrow channels, and continual fogs, had had but to sail into distant seas, I have no doubt that before this a whole archipelago of islands would have yielded to his valour; but we have now a sort of rhinoceros to deal with, and to strike an effectual blow upon an animal of so thick a hide is by no means an easy task. And with regard to the Black Sea also, it has been considered as no inconsiderable advantage that those forts which Russia has for many years constructed, and has kept up with so much care with a view of maintaining and extending her power in those quarters, have been yielded by that Government, and yielded, too, without a blow. The Emperor of Russia has, at least, felt this—the inferiority of his force in the Black Sea. But, Sir, without wishing to enter into any further argument on the conduct of the war, there is one topic which has been dwelt upon both last night and to-night, on which I think it absolutely necessary that I should address a few words to the House. Some hon. Members have singled out the noble Lord at the head of the Administration, and have made him the peculiar object of their attacks. Now, Sir, whatever may be the constitutional nature of this Motion—and I do not deny that as a Motion of want of confidence it is a constitutional Motion—yet there is nothing constitutional in the attempt to separate the Cabinet from the noble Lord who is at the head of it, and to make him alone responsible for that in which all his colleagues must share his responsibility. With regard to the general measures of the war, those measures have been considered step by step by those advisers of Her Majesty who are usually called the Cabinet, and for the decisions which have been adopted all the colleagues of Lord Aberdeen are alike responsible to this House and the country with that noble Lord. With regard to the particular departments—with regard to the Minister of War, and with regard to the Lords of the Admiralty, who are the officers chiefly charged with the conduct of measures relating to this war—I am sure that I am perfectly justified in saying that there is no measure which they have proposed in order to give greater vigour to the operations of the war, and in order to ensure the success of that war, which my noble Friend at the head of the Government has not most readily concurred in and zealously encouraged. That my noble Friend for a long while believed in the possibility of peace, and wished to avert war, is a reproach which he can very well afford to bear. But with regard to any delay that has taken place with respect to the commencement of the war, the colleagues of Lord Aberdeen are alike chargeable with that delay. This, too, I may remark, because it has something to do with this Motion, that that which for some time was the great object of attack—namely, that when the Pruth was passed we did not at once advise Her Majesty either to declare war or to take such steps as should show that we are determined to incur the risk of hostilities—I may remark, I say, that that event took place when Parliament was sitting, and when Parliament could, if it had pleased, have interfered to give advice to the Crown, and also that the more vigorous measures of sending the fleet first to the Bosphorus, and afterwards into the Black Sea, were taken during the recess, when Parliament was not sitting. It is not, however, to the particular terms of the Motion that I wish now to address myself. I wish only to state that the Government do consider themselves responsible for the conduct of this war with regard to all its operations, and that they consider themselves responsible for accepting or refusing any terms of peace that may be offered. I have already stated enough, I think, to show that we should look for guarantees and ample securities in any such terms of peace. But, reverting again to that which has been stated in order to make comparisons between different Members of the Government, we were told last night that there was a great difference between the language which I held in this House and that which was held in the other House of Parliament. With regard to what I stated in this House, I can only say that I stated as much as I thought it was necessary to state in order to justify me in asking for a large vote of money from this House whose peculiar function it is to make grants of money, and, if necessary, to impose burdens on the people. The question that had to be asked in the other House of Parliament was, that they should concur in and support such measures as should be deemed indispensable for carrying on the war, and I think it was perfectly judicious on the part of the noble Lord who had to ask for that concurrence merely to make such a statement as was necessary for the purpose which he had in view. I do not, therefore, think that it was either constitutional or judicious to be drawing distinctions between different Members of the Administration, and to be holding up certain Members of the Administration as objects of suspicion or as objects of attack, while others are not to be rendered liable to the same attack or to the same suspicion. If the House is not satisfied with the Administration, let it vote this Address, which would serve the purpose as well as any other. After all, it is not very appropriate to the occasion, because it so happens that such Addresses have only been voted generally in cases where a Minister has thought it his duty to refrain from giving information as to the state of our foreign relations and the general prospects of the war. Everything that could be said has been said on this occasion, and therefore the noble Lord (Lord D. Stuart) has done what a great historian says is one of the most common, but also one of the most grievous of errors —the taking of a precedent which is fit for another occasion and applying it to an occasion for which it is not fit. However, Sir, as I have already said, I do not wish to prolong what I have to address to the House, and the House has now to say whether it will confide to us the disposition of these 3,000,000*l.*—whether it will confide to us the discretion of advising Her Majesty to call Parliament together, in case it should be necessary, or to refrain from calling Parliament together if, in our judgment, the public welfare does not require it. If we are fit to be the Ministers of the Crown, we are fit to have that discretion; if we are not fit to have that discretion, on the other hand, we are no longer fit to remain the Ministers of the Crown. My noble Friend the Member for Marylebone has chosen, I know not exactly why, to bring the matter to this issue. By the decision of the House upon that issue we shall cheerfully abide.

LORD DUDLEY STUART, in explanation, said, the first naval Lord (Admiral Berkeley) had with some indignation represented him as stating that the fleets of this country had been sent forth in a condition that was not fit for action. If he (Lord D. Stuart) had said anything of the sort, it was far from his intention to do so. What he meant to say, at all events, was, that he believed the fleets were sent forth in a state of efficiency such as enabled them to meet any fleets in the world, and give an excellent account of them, but that they were not fit for the particular service in which they were employed, and for which vessels of lighter draft of water and mortars for bombarding land fortifications were most required. In conclusion, he begged to state that he was satisfied with the declarations which had been made to the House on the part of the Government, and particularly with the statement of the first naval Lord. He would, therefore, ask leave to withdraw his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Resolution read 2°, and *agreed to.*

House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, July 26, 1854.

MINUTES.] PUBLIC BILL.—*Reported*—Friendly Societies.

RUSSIAN GOVERNMENT SECURITIES BILL.

ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming adjourned Debate on Amendment proposed to Question [21st July], "That Mr. Speaker do now leave the Chair;" and which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "This House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. T. BARING said, that although he thought it was quite proper, if such measures were necessary, to enact laws to prevent money being advanced to hostile Governments, yet he conceived they ought to be of a general nature. It was not the way in which they ought to legislate on a subject affecting trade, to introduce special measures as the circumstances arose, nor ought they to be influenced by hostility or spite against a particular country in the enactment of such laws. But this was a special measure applicable to Russia alone. If it was desirable to pass such a measure at all, it ought, in his opinion, to be introduced by the law officers of the Crown. The noble Lord the Member for Marylebone (Lord D. Stuart) seemed to think that if this country and France enacted such a law as this, Russia would be unable to obtain money at all; but he (Mr. Baring) thought he very much underrated the money power of the rest of the world in coming to that conclusion. As far as he saw, there was no disposition whatever on the part of any Englishman, or, indeed, any individual in this country, to take any interest or part in a Russian loan, subsequent to the declaration of war and for the purpose of carrying on that war. The credit of Russia, however, was not so confined, nor was it possible to crumple up the resources of Russia as easily as some hon. Members supposed. By this measure you proclaimed to the world that but for public opinion there would be a disposition to invest English capital in Russian securities. He was satisfied that the good feeling of Englishmen would induce them to abstain from lending money to Russia without the prohibition of an Act of Parliament. He also thought it was not expedient, from any principle of petty spite, to make a special demonstration against Russia. By passing this Bill they were proclaiming to the world that, but for it, English capitalists would buy Russian securities. He objected to the Bill as unnecessary, as a crude measure, and because any Bill of this character ought to be general, not special.

LORD DUDLEY STUART said, he would have been glad if the Government had taken up the Bill. But, at all events, it had been supported by one Cabinet Minister, and would be supported by him again, and he believed that it would also be supported by the noble Lord the President of the Council; for he had communicated with that noble Lord, who stated himself to be in favour of it, but that he would consult the law officers with regard to it, and since that the noble Lord had stated that he would support the Bill. Therefore he supposed he should have the support of the Government, notwithstanding that the hon. Secretary to the Treasury had risen after a Cabinet Minister who supported it, and contemptuously opposed it; but he supposed that, being the Bill of a private Member, the hon. Gentleman thought that he was at liberty to take any course he chose with regard to it. The hon. Member for Huntingdon (Mr. T. Baring) said it was unhandsome to aim this Bill at Russia alone, she by-the-bye, being the only country with which we were at war. He (Lord D. Stuart) did not know if the hon. Gentleman's sympathies were with Russia, but they appeared to be so when his objection to the Bill was that it was aimed at Russia only, she being the only Power with which we are actually at war. The Bill was not aimed at the holders of Russian securities which now existed. He (Lord D. Stuart) maintained that if the Bill became law it would throw difficulties in the way of Russia in carrying on the war. He had been told that the Emperor of Russia held a large amount of stock, and could dispose of it when he chose; and therefore, that a Bill for preventing new loans would be of no use. But he (Lord D. Stuart) said that if the Bill passed, the value of any new Russian securities anywhere would be depreciated, and that would be an advantage. As to what had been said about its causing the existing Russian securities to fall, that argument was equally applicable against the continuance of the war itself, which of course caused a great depreciation in all trade connected with Russia. Some hon. Gentlemen seemed to have an extraordinary tenderness for Russia, a country which was our enemy; and he was told when he brought in a Bill to cripple her resources, that it was unhandsome, and only to gratify spite. He would contend that there was nothing unmanly in doing anything which would prevent Russia from carrying on the war against this country. He should not have objected to have made the Bill a general measure if any Amendment to that effect had been moved. With regard to what had been stated by the hon. Member for Huntingdon (Mr. Baring) about the assets of bankrupts, a clause had been prepared which would provide for that. It was said by some hon. Members that this Bill was open to objection, on the ground that it might render that simply a misdemeanor which was now high treason. His hon. and learned Friend the Member for Youghal (Mr. I. Butt) had, however, prepared a proviso to meet the objection, which would be proposed in Committee.

MR. J. WILSON said, that having lately expressed his opinion of this Bill he was not now about to discuss its general merits. The noble Lord (Lord D. Stuart) had made some remarks upon the observations he made with regard to this Bill the other night. He did not complain of that, though he apprehended he was at liberty to make what comments on it he thought proper, but with reference to one point he might say, he believed if it were once understood what the financial position of Russia was at this moment and what its operations were, it would have more effect in preventing a Russian loan than any laws which could be passed. At the time this country was engaged in war, from 1800 to 1815, when bank-notes were inconvertible, our currency became depreciated; but when the House of Commons passed a Bill on the subject in 1819, in redeeming the securities, they determined to pay all their debts honestly without depreciation, and at the full value, instead of paying them with the depreciated currency. What did Russia do on a similar occasion? Russia commenced a long war with the issue of a rouble note of the value of thirty-eight pence, which was made inconvertible for a lengthened period of years, but, owing to frequent issues, the rouble note was depreciated step by step, until, instead of being worth thirty-eight pence, it was only worth 10½d. Now, what did Russia do? The whole of these securities were paid by the Russian Government at 10½d. The value of the rouble was restored to thirty-eight pence, but all the old notes which the Russian Government had issued were paid at 10½d. Russia was now doing precisely the same thing again, and was declaring the rouble notes issued at thirty-eight pence to be inconvertible; those notes had already fallen to thirty-two pence, and if the present war continued, it would soon be found that the excessive issues would lead to a depreciation equal to that which took place during the war to which he had referred. The creditors of Russia and the holders of Russian securities would then find that their securities were reduced to one-third of their original value. He thought, if these facts were known, that capitalists would be placed upon their guard against such uncertain investments, and that the object of the noble Member for Marylebone would be secured much more easily and completely than by any legislative measure.

MR. I. BUTT said, he thought this measure ought to have originated with the Government. As the noble Lord (Lord Palmerston) had spoken in favour of the Bill, he should be happy to divide with him. Besides, he had as yet heard nothing substantial urged against the Bill. The one question with him was, would this measure affect the resources of Russia? No hon. Gentleman, he presumed, would say, if Russian securities were made unsaleable in England, that this would not cripple Russia. His opinion was, that as we prohibited the building of steam-boats for Russia, we ought also to prohibit furnishing Russia with the means of carrying on hostilities. The plain meaning of the argument of those hon. Gentlemen who opposed the Bill was, that wherever Englishmen could turn a penny, they must be left at liberty to do so, even at the expense of their country. He should vote for the Bill, on the principle that, if you made Russian securities unmarketable, you affected the power of Russia materially by crippling her resources. There was nothing to prevent Dutchmen from buying Russian securities and selling them to Englishmen; and he wanted to know why that should be high treason on the part of Englishmen which foreigners might do with impunity and profit in English markets. The hon. Gentleman (Mr. T. Baring) said, by this Bill you were proclaiming that Englishmen would take Russian securities if not for the Bill. But he rather said, by the Bill we were proclaiming strongly to Europe that it was a matter of doubt whether Englishmen hated Russian ambition and Russian designs. It was for the House to decide the question, whether it was right for Englishmen to lend money to Russia to make war on us? He would urge his noble Friend (Lord D. Stuart) to divide the House on the measure.

Mr. HEYWORTH said, he considered that, upon grounds of justice and propriety, the House was bound to assent to this Bill.

Mr. SPOONER said, it had been stated by the hon. Secretary to the Treasury that, in 1819, this country honestly paid its debts; but he wished it to be understood that he (Mr. Spooner) did not concur in that opinion. He thought that the law officers of the Crown ought to have been present to explain the provisions of the measure now under consideration. He believed that, by the existing law, English subjects were precluded from making in any way direct advances of money to States with which this country was at war. Now, the present Bill, as he understood, was intended to carry the principle further, and to prevent any dealings on the part of English subjects in securities created by States with which we were at war through the medium of other nations. The object of the Bill seemed, in fact, to be to prevent that from being done indirectly which could not be done directly. He wished to know, however, why the Bill, instead of being confined to Russia, did not apply generally to foreign States? He would vote for going into Committee, but he hoped that in Committee the Bill would be rendered applicable to any States with which this country might be at war.

Viscount PALMERSTON: Mr. Speaker, I shall certainly give my support to this Bill, because it appears to me to be founded on a general principle, which it is exceedingly important to maintain. That general principle is, that subjects of this realm shall not in time of war be allowed to furnish the enemy with the means of carrying on war against us. No doubt, the common and established law of the land, which has been acknowledged by all, and which my noble Friend the Secretary of State for Foreign Affairs has communicated to all our foreign Consuls, that it might be made known to all—is, that to furnish the enemy directly with money, in time of war, is the highest of all crimes—is, in fact, high treason. But what a puerile distinction is that which is attempted to be drawn between furnishing money directly and furnishing it indirectly. This Bill does not apply, as many hon. Gentlemen are endeavouring to represent, to the established Dutch stock, which has been matter of bargain and sale, of bequest and inheritance, in times gone by; but it applies merely to stock created for the purpose of making war on this country. The object of the Bill is simply this—that if the Emperor of Russia endeavours to negotiate a loan in Europe, to kill our soldiers and sailors, to destroy our commerce, and to frustrate our national policy, at least Englishmen shall not contribute to the resources of the enemy. The argument of my hon. Friend the Secretary to the Treasury goes to this—that you ought to remodel your law of high treason, and permit your merchants and manufacturers to supply the Emperor of Russia with powder and balls, ships of war, and all the implements of destruction. Now, Sir, I consider that it is sheer nonsense to say that we should do so. Such an argument is founded on the principle on which we know the Dutch Admiral proceeded, who, in an interval or lull during a naval action, sold powder to the enemy, in order that the engagement might be renewed in the afternoon. I am as desirous as any man can be of encouraging the commercial enterprise of this country, but, for Heaven's sake, do not let us yield to this peddling system, which places pocket against honour, which turns a balance-sheet against national interests, and which lowers down the best feelings of the country into a mere question of pounds, shillings, and pence. I say that that principle is disgraceful and fatal to a country. If we mean to maintain our national independence, we must have a regard for the generous and great principles on which nations act, and by which alone national independence and honour can be maintained. It is said by some hon. Members that the Bill will be nugatory; but it cannot be nugatory in so far as it establishes a principle. You may say that it may be evaded; but there are men who will evade a law, however high the sanctions may be which the law is calculated to enforce. You cannot guard against the bad and evil passions of men, and the way in which they may be induced by motives of private interest to deal with general principles. All you can do is to lay down the rule, to which honest men will conform, while those who choose to evade it must settle the matter between themselves and their own conscience. I therefore shall strongly recommend the House to adopt this Bill. I think the rejection of it would really be to encourage Russia, and to make a general advertisement to all British subjects that they were at liberty to assist the enemy with their money as much as they pleased. I think it would have a very lowering effect on the national character, not only in this country, but in Europe, if it were found that the British House of Commons, guided by simple greed of private emolument, rejected a Bill which was founded on the principle of your established law, which does not carry that law to the extent to which it exists in reference to other transactions, but which simply affirms a principle that every honourable man will endeavour, in his own dealings, as much as possible to observe. Let it be also remembered that the Bill is simply applicable to debts contracted for the purpose of giving the Russian Government pecuniary means to carry on the war against this country. As I have previously said, I see no difference in principle between allowing British subjects to furnish the Russian Government with money and allowing them to furnish it with money's worth. Money is only useful to them as supplying them with the implements of war, and you may just as well say that you will leave off your blockades, and allow everybody to send everything they please by which they may make a few pounds profit to Russia, for the purpose of carrying on the war, because it is against our commercial principles to interfere with private enterprise. Therefore, as far as I am concerned, I shall certainly give this Bill my very hearty support.

Sir JOHN PAKINGTON observed, that every one must have admired and appreciated the spirit in which the noble Lord had spoken, but that as the noble Lord appeared to attach great national importance to this Bill, he thought the noble Lord should have explained how it was that such a measure had been introduced by an independent Member, and not by Her Majesty's Government. He (Sir J. Pakington) agreed that the object at which the noble Member for Marylebone aimed was a most desirable one; but, so far as he could collect the opinions of hon. Gentlemen who were most competent to form a judgment on the subject, the question was not so much as to the desirableness of the end sought to be attained as to the practicability of accomplishing it by such a Bill as that now before the House. He would not enter into the question which had been raised by the noble Home Secretary as to whether or not the objections urged against the Bill by the hon. Secretary to the Treasury were—as they had been termed by the noble Lord—"sheer nonsense." He would leave that matter to be decided between the two Members of the Administration who were sitting upon the same bench. He could only say that, looking to the position of the noble Lord (Lord Palmerston), considering the length of time during which he had been officially conversant with subjects of this kind, and having heard the noble Lord's declaration of the importance which he attached to this Bill, his (Sir J. Pakington's) vote would be guided on this occasion by the opinion of that noble Lord. If, therefore, a division took place, he (Sir J. Pakington) would vote for going into Committee upon the Bill. He hoped, however, after what had been said by hon. Gentlemen most competent to form a judgment upon this subject—after the objections raised by the hon. Secretary to the Treasury (Mr. Wilson), and after what had fallen from the hon. Member for Huntingdon (Mr. T. Baring)—that at a future stage of the Bill the law officers of the Crown would give the House their opinion as to whether the clauses were framed in such a manner that they were likely to effect the desirable object which the noble Member for Marylebone sought to attain.

Mr. KINNAIRD said, he thought the Government were not open to blame for not having taken up this question, and he must protest against the growing and prevalent feeling that the Government ought to do everything in that House. He considered that it was the duty of private Members to bring forward any measures which they thought it right to propose, instead of relying altogether upon the Government. He considered that they were much indebted to the noble Lord the Member for Marylebone for bringing in the Bill.

Mr. DUNCAN said, if the principle of the Bill were to be carried out, it must do great injury to the mercantile community, who would be prevented from obtaining supplies of hemp, flax, tallow, and other articles. He believed that since the declaration of war not less than 250,000*l.* had been sent from his own district into the coffers of Russia—a fact altogether contrary to the doctrine of the noble Lord. As the Bill would have a tendency to injure the interests of his constituents, he must vote against its going into Committee.

Mr. HENLEY said, he thought that the question the House had to decide, with reference to this Bill, was simply whether it was right and proper that persons should be allowed to engage indirectly in transactions which, if they were conducted directly, were, by the law of the land, treasonable. The Bill provided that persons who were indirectly engaged in these treasonable transactions should only be liable to two or three months' imprisonment, but he thought, if the noble Home Secretary had taken a correct view of this subject, that alterations should be made in Committee which would not allow persons guilty indirectly of high treason to escape with such paltry penalties. He did not think this was an ordinary measure of legislation, and considered that a Bill which dealt with the crime of high treason should be taken up by Her Majesty's Government. In his opinion, also, such a Bill ought not to be limited to one country only, but should be a general measure, applicable to all nations.

Mr. W. BROWN said, he feared that the Bill would form a very dangerous precedent, for it had always been considered the sound policy of this country, whether during peace or war, to allow money negotiations to proceed in London without restriction. He conceived that the hon. Secretary to the Treasury had established a very strong case in favour of not taking such action as was suggested by this Bill, and he thought it was desirable that the House should have an opportunity of hearing the sentiments of the President of the Council and other Members of the Cabinet upon the measure before it was further proceeded with.

Question put.

The House *divided :*—Ayes 77 ; Noes 24 : Majority 53.

Main Question put, and *agreed to.*

House in Committee ; Mr. Bouverie in the Chair.

Lord SEYMOUR said, he had voted for the Bill going into Committee, because the noble Lord the Secretary for the Home Department had made so strong a speech in its favour. He confessed, however, that he had heard that speech with considerable surprise, because it appeared to him that if resisting this Bill were anything so grievous in its nature or treasonable in character as selling gunpowder to the enemy, the measure ought to have been introduced by the Government. They had done everything at the outset of the war to mitigate its horrors, so that it might interfere as little as possible with the commercial interests of the country, but this Bill proceeded on a totally different principle. He would not say whether the principle were right or not, but he thought, before they proceeded further, they should be informed by the law officers of the Crown as to its probable bearing on our relations with other foreign countries. He thought it desirable, therefore, under these circumstances, that the Chairman should now report progress, and he begged to move to that effect accordingly.

Lord DUDLEY STUART said, he could not assent to this proposal. The Bill was a very short one, and its principle obvious and easy of comprehension by every one. There would be ample time to have the opinion of the law officers on the third reading.

Sir JOHN PAKINGTON said, he must express his hope that the Committee would adopt the proposal made by the noble Lord the Member for Totness. The measure affected international questions of very great magnitude, and they would not be in a position to discuss the clauses in Committee without having the opinion of the law officers of the Crown.

Mr. WILKINSON said, no one was more desirous than he was to prevent succour being given to Russia, but if this Bill were agreed to, the noble Lord (Lord D. Stuart) could not stop here, but must insert a clause prohibiting dealing in hemp and tallow the produce of Russia.

Viscount PALMERSTON said, he could not agree with the argument of the hon. Member who had just spoken. Advancing money to the Russian Government was one thing, and paying money for Russian produce, whether belonging to Russians or to subjects of neutral States, was quite a different thing. One went directly to furnish the resources of war ; the other might operate indirectly and circuitously for the benefit of the Russians, whilst it also benefited ourselves. If there were any general desire on the part of the House, before going through Committee, to have the opinion of the law officers of the Crown, he would ask his noble Friend to agree to the postponement of the Bill. He should himself vote for going on; and there was this to be considered, that in the present state of business more turned on the question of delay than the mere loss of a few days.

MR. VERNON SMITH said, he hoped they should not carry this Bill, merely because it bore on the face of it hostility to Russia. He was very much astonished that the noble Lord (Lord Palmerston), having made so inflammatory a speech in favour of the Bill, had not thought it necessary to bring in a Bill on the subject himself. The noble Lord told them they would be doing something very like high treason in voting against the Bill, and he (Mr. V. Smith) had voted for going into Committee. But he must say, if they were to carry out the principle of this Bill, if they were bound to injure Russia in every possible way, the same principle would apply to dealings with the old securities. He thought his noble Friend had pushed the principle much too high, if he intended to content himself with this Bill. He thought they ought to have the assistance of the law officers of the Crown, and, therefore, he hoped his noble Friend would consent to the Chairman's reporting progress.

MR. I. BUTT said, that the words of the clause were so plain, that he considered that every person in the House was as capable of understanding them as the Attorney General. If it were necessary to bring up any other clause, it could be done on the consideration of the Report.

MR. T. BARING said, at the risk of being called by the noble Lord a traitor, he must express his wish that the Bill had been taken up by the Government. He thought that if any change in the present law was necessary in order to prevent the Russian Government, with which we were at war, from getting the money of British subjects, it ought to be adopted; but the measure for this purpose ought to be maturely and deliberately considered, and introduced in such a shape as might give it practical efficiency. He would suggest that Government might frame the Bill so as to make it applicable to every country with which we were at war as much as Russia. The noble Lord the Member for Marylebone was known, whether in time of war or peace, as a permanent enemy of the Russian Government, and the noble Lord the Secretary for the Home Department shared that reputation and sympathised with his opinions. But it would be scarcely becoming them as a legislative assembly to decide any question of foreign policy and international relations by considerations affecting only one particular Government.

VISCOUNT PALMERSTON said, it undoubtedly might be a matter for consideration whether they would not hereafter extend the principle of this Bill to all the cases to which the hon. Gentleman had alluded. At the same time he did not think that that was a reason for not carrying this measure. There were two principles upon which Governments and nations acted—the one was to provide for the immediate case before them, the other was to provide for all futurity. Now we were at war with Russia, and he did not think it was open to any hon. Member to accuse another hon. Member of peculiar animosity to Russia, because measures were taken to carry on the war, and to give us all the advantage which skill or arrangement could give us in the contest. When they were at war with a country, they endeavoured to do that country all the damage they could for the purpose of bringing about peace, and that which was necessary for their future security, and therefore he did not admit the accusation of the hon. Gentleman, that there was any personal feeling or any peculiar animosity to Russia as Russia. He hoped we should not be at war with any other country but Russia, and he did not at present anticipate that we should. He hoped that when this war was brought to a conclusion we should enjoy a long period of peace, and therefore he did not see any urgent necessity to generalise this measure. He should have no objection on principle to do so, but the arguments that had been used rather seemed to him to be against generalising it now. It was said, the measure was ineffective. Well, let them try it in the present case, and if it succeeded in this case, they might extend it to other cases. Let them try what effect it would have in the war in which they were engaged; and if it was found to be a measure that was applicable to all cases in which they might be at war with a foreign

Power, he had no doubt that it might then be properly made a general measure. With regard to the absence of the law officers, every one knew that the law officers were very much engaged in the morning, but it would be perfectly competent for the House to have their presence upon the report, and if any change should be thought necessary, in order to carry the measure properly into effect, the House could make that change upon the report as well as in Committee, and therefore nothing would be lost by this very short Bill passing through Committee now.

Mr. T. BARING said, if the noble Lord thought this Bill was urgent in the case of Russia, all he could say was, that to the best of his belief and knowledge there had not been a single individual in this country who had taken any interest in the last loan made with Russia, nor did he think that public opinion would sanction such a proceeding; and this he would also say, that he believed the Committee of the Stock Exchange would forbid the currency of that loan. He thought public opinion was much stronger than the noble Lord's Bill.

Sir JOHN SHELLEY said, the right hon. Member for Northampton (Mr. V. Smith) had talked of the inflammable speech of the noble Lord the Home Secretary (Lord Palmerston). He (Sir J. V. Shelley), whatever the right hon. Gentleman might think of it, believed that that speech would be re-echoed out of doors, and that the noble Lord would gain great credit by it. He should certainly vote for going on with the Bill.

Mr. I. BUTT said, that it was something extraordinary that in this Bill they were running counter to the principles of commerce, seeing that, according to the hon. Member for Huntingdon, the Committee of the Stock Exchange would forbid transactions in any new loan with Russia.

Lord DUDLEY STUART said, in reference to the desire expressed by hon. Members for the opinion of the law officers of the Crown, he could state, that although the hon. and learned Solicitor General had at first expressed a strong objection to the Bill, yet when he had read it he quite concurred in its object. In like manner the Attorney General, after perusing the measure, had said that he saw no legal objection to it, but that it was a question of general policy.

Viscount Palmerston

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 32; Noes 78: Majority 46.

Clause 1.

Mr. I. BUTT said, that an Amendment to this clause would be desirable. If a person subscribed to a foreign stock with the view of affording pecuniary aid to the enemies of the country, there was no doubt that he would be guilty of high treason. The same might also be said of a person who colourably purchased stock from a neutral, with a real intent of subscribing to the loan. By the Bill, it was intended to make the *bonâ fide* dealing in Russian bonds already paid up a misdemeanor punishable by three months imprisonment; but he had some doubt, however, whether the clause, as it stood, might not likewise render the second case to which he had alluded, and which was clearly treason, a mere misdemeanor; and he should therefore propose words reserving to the Government the power of proceeding against a party either for treason at common law, or for a misdemeanor under the Statute.

Mr. HENLEY said, the proposal of the hon. and learned Gentleman was an illustration of how much the Committee needed the assistance of the law officers.

Viscount PALMERSTON said, he would suggest that the clause had better pass as it stood, leaving the point raised by the hon. and learned Gentleman to be considered between that time and the bringing up of the report.

Mr. WALPOLE said, the object of the Bill—and it was a very desirable one—was to prevent any person in this country lending money to the Russian Government for the purpose of carrying on the war; but why, on an important question like that, did not the Government themselves bring in a Bill? The loan, as he understood it, was already contracted, and this Bill now declared that the transfer of any portion of that security from the 28th of March, 1854, should constitute the offence of misdemeanor; but unless they made the transfer of other Russian stock than that a misdemeanor, what security had they that money might not be advanced to the enemy by persons in this country.

Viscount PALMERSTON said, he thought there was considerable difference between prohibiting transactions of the kind in question in stock created prior to the war, and prohibiting them in regard to loans created for the special purpose of carrying on war against this country. It appeared to him that the date inscribed in the clause was a very proper one, since it was on that day that the Russian Government attempted to raise the loan for the purposes of the war against England and France.

MR. VERNON SMITH said, he would beg to ask the hon. and learned Member for Youghal (Mr. Butt), as Attorney General *ad interim*, whether the acceptance of Russian bonds as a security for a debt or claim would render a person liable for a misdemeanor? By the accident of commerce a person might come into possession of Russian bonds as a security; would a man, under those circumstances, be liable to three months imprisonment unless he immediately repudiated those bonds?

MR. I. BUTT: Unquestionably. Although some cases of hardship might occur, it was necessary to go to that extent in order to prevent the law from being evaded.

MR. WILKINSON said, he doubted the policy of the measure. The Czar might retort by refusing to pay the interest on his former bonds to English holders.

VISCOUNT PALMERSTON said, that if a foreigner offered the prohibited bonds as a security, the creditor would not take them. It would just be the same as if a man offered a person a bad bank-note.

VISCOUNT MONCK said, the noble Lord had misunderstood the point of the right hon. Gentleman's (Mr. V. Smith's) question. The right hon. Gentleman was not speaking of cases in which Russian bonds were tendered to a merchant who might accept or reject them at his pleasure, but of cases in which by the accidents of commerce this foreign stock might fall into the hands of a merchant who would have no other means of realising his claim.

VISCOUNT PALMERSTON said, he apprehended that in every case in which a security of that nature was tendered in payment of debt, it would be for the creditor to consider whether he should accept it or not, or whether he should not treat it as a bad bank-note. He thought the principle on which the creditor should act in such a case was *caveat* merchant.

MR. T. DUNCOMBE said, he had understood this Bill was not to have any retrospective effect; but it was to operate against the loan raised in March last, and therefore it would have a retrospective effect. He admitted it was desirable that the Russian Government should be deprived of all facilities whatever for raising money in this country for the purposes of the war, but he must contend we had no right to give the Bill which was meant to attain that object a retrospective effect.

MR. DUNCAN said, there were many of his constituents engaged in shipping, who might have received payments in March or April last for freights which they had taken out in February, among which payments Russian securities might be found, and he thought it unworthy of the noble Lord (Lord Palmerston) to say that such securities would have to be treated as bad debts by the holders of them.

VISCOUNT PALMERSTON said, if one merchant dealt with another whose circumstances were doubtful, the only course for him was to take care that the security tendered to him by his debtor was good, and it was an additional reason why he should not accept a bad security if the solvency of his debtor was a matter of doubt. With reference to the objection taken by the hon. Gentleman (Mr. T. Duncombe), he might say that the Bill affected Russian stock created on the 28th of March, 1854, but only affected transactions in that stock subsequent to the passing of the Bill. His own impression was, that there would be no great hardship in such an enactment as that.

MR. T. BARING said, the noble Lord had certainly a pleasant way of disposing of the question of commercial relations. He was afraid, however, that the noble Lord's views were by no means favourable to the creditor. It sometimes happened that merchants in this country were connected with foreign firms, with respect to whose solvency they might entertain some doubts. Under these circumstances, security for the payment of his demand would be asked for by the creditor; but the debtor might say, in answer to that request, "I have got nothing but Russian bonds; but these are of some use to me, while they would be valueless to you." The creditor would thus fail to obtain the liquidation of his demand, and he would ask if that was a wise principle by which such a state of things would be sanctioned?

VISCOUNT PALMERSTON said, that all these arguments might very simply reduce themselves into a much more elementary form. No doubt war was a great inconvenience and a great interruption of all the commercial relations between man and man, and between nation and nation. Nobody disputed that. War ought never, therefore, to be undertaken except for some great and adequate reason ; but when they had that reason they must make up their minds to suffer the inconvenience and the interruption of the ordinary relations of commerce. He did not know that there would be any great advantage in making a state of war too easy. War ought to be felt to be, what it was, a great calamity, because it would then make Governments less rash to enter into a state of hostility. In the present case the opinion of the whole nation would be that this war was inevitable, and that a measure, the object of which was to prevent English subjects from rendering pecuniary aid to the enemies of the country, was deserving of the consideration and support of Parliament.

Mr. VERNON SMITH said, he must maintain that the question under their consideration was by no means one of an elementary character. It was simply whether the operation of the Bill would or would not be retrospective—a matter upon which, as it involved an important principle of law, he thought it was extremely desirable that they should have the opinion of the law officers of the Crown.

Mr. J. WILSON said, he was of opinion that if the Bill were to pass into a law, it was advisable that it should be passed in as perfect a manner as possible. There was in the Bill, as it stood, a defect, which required only to be stated in order to show that it went further than the measure purported to go, and would influence a class of securities which it was not meant to affect. The Bill made it a misdemeanor for any person to buy, or offer to buy or sell, securities of the Russian Government, which should be, or should be reputed to be, issued after a certain date. Now, it was well known that the Russian Government held in their own hands a considerable proportion of their old securities. Let him suppose that they should issue a large amount of those securities to their agents, Messrs. Hope of Amsterdam, and that a London merchant should purchase those securities. Well, the person making the purchase would come under the operation of the Bill; but how, he would ask, was such individual to become acquainted with that fact? He should therefore suggest to his noble Friend (Lord D. Stuart), that it was desirable that the application of the Bill should be limited to those securities which purported to have been created after the declaration of the war.

Sir JOHN PAKINGTON said, he remembered a saying of Mr. Windham's, that the truly wise were always in the minority. He could not help thinking that that saying was correct as applied to those who were in the minority in the division which had lately taken place. The Committee must perceive that it was by no means desirable that they should proceed further with the Bill until they had the advantage of the assistance of the law officers of the Crown. He should, therefore, move that the Chairman should report progress.

Mr. MASSEY said, when the Bill was in Committee that was the proper time for discussing the details. It was extremely doubtful at present whether the Bill would not have a retrospective effect, and whether it would not involve innocent persons in its penalties. Besides, it involved questions of property. He was willing to assist in crippling the resources of Russia, but they ought also to take care that in doing that they did not ruin the property of their own countrymen. He thought the House ought not to commit itself to a course of precipitate legislation on this subject.

Mr. BARROW said, he thought that, as such a loan had not yet been contracted, in the discussion which had ensued on this Bill they had been simply fighting with shadows.

Viscount PALMERSTON said, as the Committee thought it desirable to have the opinion of the law officers of the Crown on the construction of the Bill, he would not oppose the Motion for reporting progress.

Lord DUDLEY STUART said, he hoped the Government would take care that the law officers of the Crown should give the House the benefit of their advice, so that there might be no unnecessary delay.

House resumed.

Committee report progress.

ARCTIC EXPEDITIONS—THE "EREBUS" AND "TERROR"—QUESTION.

Sir GEORGE PECHELL said, he wished to ask the right hon. Baronet the

First Lord of the Admiralty, what regulations had been made for the payment of the wages due to the representatives of the officers and seamen of Her Majesty's ships *Erebus* and *Terror?* He understood that, although the engagement with respect to double pay had been adhered to, the representatives of the officers who had been promoted to higher ranks, after the ships left England, were only to receive the pay of the ranks which they respectively held at the time of their going out. He thought that the wages of those officers should be those of the ranks to which they had been raised, and he could not avoid expressing an opinion that there had been something like sharp practice in reference to the time to which the wages were to be paid—the 31st of March.

SIR JAMES GRAHAM said, he was quite sure that the House and the country would be most anxious that the case of the representatives of the officers and seamen who had been lost in the *Erebus* and *Terror* should be dealt with with every consideration for their just claims; and he had been somewhat grieved to hear the hon. and gallant Officer say that he thought there had been some sharp practice. [Sir G. PECHELL: I said with reference to the 31st of March.] Well, with reference to the 31st of March. What were the facts of the case? The officers and crews of the *Erebus* and *Terror* were last heard of in July, 1845; and for nine years from that time double pay had been allowed to their representatives—that was to say, from July, 1845, to March, 1854, those representatives had been entitled, upon producing, on the part of commissioned officers, letters of probate or of administration, to double pay up to that time, subject only, in their case, to the single condition that they should give a bond of indemnity to the public. This bond had been drawn by Mr. Justice Crowder when the Admiralty had the advantage of his assistance as their law officer, and which was intended to indemnify the public in case those officers should appear; for, however distant the time might be, in case they should ever return, the money, of course, would be due to them. The representatives of the petty officers and seamen had also received double pay up to the same time, but without being put to the expense of probate, and without entering into a bond. The number of commissioned officers in the two ships was twenty-four, and of the other classes 102; and of these, nineteen representatives of commissioned officers, and eighty-three representatives of petty officers and seamen, had already received the full amount which was due to those whom they represented. A question had been raised respecting the effects of such of the officers as had been promoted during the period of their absence, and whether the pay of their higher rank might be claimed by the representatives. They were few in number, and their case was strictly regulated by the 9th article, chap. 10, of the Queen's Regulations, which stated that,—

> "If an officer should be promoted by the Lords Commissioners of the Admiralty while serving, but not appointed to a ship in commission, he should from the date of his promotion be allowed the half-pay of the higher rank whenever it exceeded the full pay of the lower rank."

The payments had been calculated in conformity with that article, and he thought they had been properly so calculated, especially when it was considered that they were dealing, not with the officers themselves who had been promoted, and who had rendered the service for which that promotion had been given; and if they should happily ever return, it might be open to consideration whether in their favour the strict rule should not be relaxed; but in the meantime, and as between the public and their representatives, the Admiralty had not hesitated to apply the rule as they found it.

CAPTAIN SCOBELL said, he thought his hon. and gallant Friend (Sir G. Pechell) could not do better than leave the matter in the hands of the Admiralty; but he trusted that the right hon. Baronet would reconsider the claims of the representatives of that class of the officers to which he had last referred, for he could not believe that the regulation he had read could have been intended to apply to the case of ships locked up in the ice, as these had been, so as to render it impossible for the officers promoted to come home and claim the benefit of their promotion.

SIR THOMAS ACLAND said, it was his conviction that the right hon. Baronet would not stint the representatives of these gallant officers and seamen of their fair remuneration, and that they might rely on the indulgent consideration of the House of Commons for any appeal that might be made on behalf of persons who had been exposed to such great sacrifices.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply.

(1.) 25,000*l.*, Registrar, Court of Admiralty.

Mr. VERNON SMITH said, he must complain of the deficiency of evidence which still existed as to who were really to blame for not having looked after the late defaulting officer. This Vote had been postponed in consequence of his requiring the production of the Report of the three gentlemen who had been appointed by the Treasury to investigate the case of Mr. Swabey's defalcations, and the liability of the Treasury arising therefrom. If the Treasury were liable for the defalcations of this public officer, how was it that they had no control over him? The Commissioners stated that they thought the liabilities might be 19,000*l.* But so far from there being only that amount, he believed it was nearly 66,000*l.* There must be monstrous negligence somewhere, when a man could be a defaulter to that amount. If the Vote had been brought forward earlier, he should certainly have moved for a Committee to inquire under what responsibility this officer exercised his duty. He hoped that the example would act as a useful warning hereafter.

Sir JAMES GRAHAM said, the circumstances of this case were very peculiar, and certainly ought to convey a salutary warning to the House of Commons. Mr. Swabey, the defaulting registrar, was originally one of the deputies of Lord Arden, when that nobleman held the sinecure office of Registrar of the High Court of Admiralty, and he so demeaned himself in that situation that he acquired very general confidence. On the abatement of the great sinecure, at the death of Lord Arden, Parliament took on itself, not only to regulate the office prospectively, but also to appoint a successor to Lord Arden. The Parliament appointed Mr. Swabey to the office, as a person entitled to more than usual confidence; and, because he was so trusted by Parliament, he was released from the necessity of providing those ordinary securities required from an officer receiving a public appointment of such a nature. He was not subjected to any control, either on the part of the Admiralty or of the Treasury. Mr. Swabey retained his office for a long time without his credit being shaken, but on one fine morning he was found to be a defaulter to the amount of some 65,000*l.* He (Sir James Graham) believed that, in strict law, the suitors in the Court of Admiralty, to whom the money for which Mr. Swabey was a defaulter was due, were not entitled to relief from the public; but, as it appeared hard that through the *laches* of Parliament the loss should fall on them, he, on behalf of the Judge of the Court of Admiralty, made a strong appeal to the Treasury, in order that the suitors in the Court might be held harmless. Every endeavour had been made to obtain from Mr. Swabey the repayment of the money, but in consequence of Mr. Swabey's shattered circumstances, 25,000*l.* out of 65,000*l.* might be taken as the amount, which there was not the slightest hope of recovering. He trusted that the circumstances of this case would teach the House the danger of encroaching upon the Executive Government, more especially with regard to the question of patronage, and that in future the Registrar of the Court of Admiralty, as well as other public officers, would be placed under the strictest supervision on the part of some public board. He had recently sent up to the House of Lords a Bill for the regulation of the Admiralty Court, and one of the provisions of that measure was, that henceforth the registrar should not receive fees, but should, in lieu of them, receive stamps, which would have the effect of reducing the sum of public money in the hands of the officer at any given time, and of preventing the recurrence of such a case as that of Mr. Swabey.

Mr. HENLEY said, that this was one of those unfortunate circumstances which proved the truth of the saying, "that after the steed was stolen the stable door was closed." He thought the House ought to have further information on the subject, because they were left in ignorance as to the conditions under which this great sinecure held by Lord Arden had been abolished. If, previous to the abolition, the person appointed to the office had been in the habit of giving securities, then it would seem that there had been some negligence on the part of the Court of Admiralty in not requiring securities from Mr. Swabey.

Sir JAMES GRAHAM said, he was sorry to say that he had been so long in that House that he remembered many prolonged arguments in defence of sinecures of the description held by Lord Arden. It was urged that, considering the immense sums intrusted to the Registrar, it was most desirable to have in that office

Peers of Parliament—men of spotless honour and of large property—because any money security that could be obtained was not half so valuable as the security afforded by persons of exalted character. When Lord Arden held the office nothing could exceed the regularity with which the accounts were kept. Such was the case when the office was held by great sinecurists, who were responsible for their deputies. But the House of Commons, on the abolition of the sinecure, lulled into a false security on account of the regular and admirable conduct of the business of Lord Arden, thought it might transfer to the deputy, when appointed to the office, the same exemption from providing securities. However, experience had taught a wholesome lesson, and, in respect to the new appointment, the Government had made arrangements not only that securities should be taken, but that not so large a balance should again be left in the hands of the registrar.

Sir GEORGE PECHELL said, he thought that some blame attached to the Admiralty for having allowed such large sums of public money to remain in the hands of the registrar. The right hon. Baronet had referred to a measure which he had sent to the House of Lords for the regulation of the Admiralty Court in this country; but he had not said how he proposed to deal with the Admiralty Courts in Sierra Leone, Ceylon, and other colonies, where reform was much needed. Loud complaints were made of the extravagant expenses charged in the Colonial Admiralty Courts, and he had heard of malpractices on the part of officers who, unlike Mr. Swabey, were under the control of the Admiralty. He believed that Mr. Swabey would never have been able to make away with 65,000*l.* of public money had there not been some great omission on the part of one or other of the Government departments.

Sir HENRY WILLOUGHBY said, this was an extremely awkward case. Here was a public functionary who had contrived to carry off 65,000*l.*, and nobody could say how. The money seemed to have been got hold of under three heads, and if they analysed the case carefully they would find that the responsibility rested with different parties, but in no respect with the Admiralty. Upon a former occasion the right hon. Baronet gave him complete satisfaction with respect to the fee fund; but he wished to call the attention of the Committee to two other cases—that of the Crown fund, and that of the suitors' fund. With respect to the latter, he maintained that the office of Registrar of the High Court of Admiralty was distinctly regulated by an Act passed in the reign of *Geo.* III., whose provisions referred to the suitors' fund; and what he complained of was, that that Statute had not been duly carried into effect. In that Act the Judge of the Admiralty Court was required to make such regulations as he might consider necessary for the safe keeping of the suitors' fund, and he found there was to be an account kept in the Bank of England, that schedules were to be made from time to time of all the moneys deposited on behalf of the suitors in the Admiralty Court, and that in no case should the sum in the hands of the registrar amount to more than 10,000*l.* If the provisions of that Statute had been carried out, the public might have suffered to the extent of 10,000*l.*; but Mr. Swabey could not have misappropriated the large sum of 65,000*l.* He did not charge the Admiralty with having anything to do with this part of the case; on the contrary, he thought that the persons responsible, so far as the suitors' fund was concerned, was the Judge of the Admiralty Court, who ought to have obeyed the requisitions of the Act of *Geo.* III. In the case of the Crown fund the Commissioners of the Treasury were responsible, for it was admitted on all sides that, so far as the Crown fund was concerned, Mr. Swabey was the mere agent of the Commissioners. How came it, then, that they had not looked after that fund, and why had a public account not been kept? His own opinion was that the Committee should not grant the 25,000*l.* asked for until they had some clear explanation of how the loss had occurred. At all events there should have been a Committee to inquire into the transactions.

Mr. W. WILLIAMS said, that when this case was before the House upon a former occasion the hon. Secretary of the Treasury stated that the assets of Mr. Swabey would, in all probability, cover the whole amount of the loss. The First Lord of the Admiralty had since informed the Committee that in his opinion there would be a deficiency of at least 25,000*l.* He thought the Committee ought not to vote any sum until they ascertained the exact amount of the loss. It was admitted that there was no legal obligation on the part of the public to pay this money; and yet, upon all occasions when such robberies—for that was their proper name—took place, the public was called upon to make up the deficiency. He hoped the House of Commons would set its face against the continuance of such a system.

Mr. J. WILSON said, he thought it would answer no useful purpose to advert to the past; it was, however, extremely important to determine what security should be taken in future. The right hon. Baronet the First Lord of the Admiralty had explained that the Lords of the Admiralty had not the appointment of the Registrar of the High Court of Admiralty, nor had they the appointment of the Judge of that Court, by whom the registrar was appointed; nor did it appear that the registrar was in any degree subject to the control of their Lordships. As to the future, it was recommended that with regard to the Crown fund, the moneys should not pass into the hands of the registrar at all, but that they should remain with the Paymaster General, the registrar being informed of the amounts from time to time. With regard to the suitors' fund, the arrangement hitherto had been for the Judge of the Court, who was the officer who ought to have the surveillance of that fund, to take ample security from the gentleman whom he appointed to manage that fund. Regulations were laid down requiring the registrar to render an account every month, which was audited, and the registrar was restrained from holding in his hand any balance exceeding 5,000*l.* at any one time. The whole defalcation in the accounts of Mr. Swabey was 65,000*l.*; the sum expected to be recovered was 40,000*l.*, so that the actual defalcation would be 25,000*l.*, This was the amount now proposed to be voted exclusively for the suitors' fund.

Mr. OTWAY said, he did not agree with the hon. Gentleman in saying that it was of no use to revert to the past, for he was of opinion that the very best results might be arrived at if they could find out how these frauds had been committed. The right hon. Baronet the First Lord of the Admiralty had thrown all the responsibility on Parliament; his argument was, that the Registrar of the Court of Admiralty was appointed by Parliament, and therefore the Admiralty had nothing whatever to do with the misconduct of the party so appointed. He (Mr. Otway) could not admit the soundness of that reasoning. It seemed to him that when the First Lord of the Admiralty knew that the registrar had been appointed by Act of Parliament without being required to give securities, it was his bounden duty to have come down to the House and have taken the earliest steps to remedy that defect. He had been informed that the learned Judge of the Admiralty Court had distinctly proposed that security should be taken from the registrar, and that no attention was paid to the suggestion.

Sir JAMES GRAHAM said, he must explain that the appointment of registrar was by special Act of Parliament, and that Mr. Swabey's appointment took place in 1840. It had been supposed that this officer was placed under the control of the Board of Admiralty, but, in point of fact, he was placed exclusively under the control of the Judge of the High Court of Admiralty. If Dr. Lushington did not take any security from the registrar, it might be supposed that it was because he placed great confidence in the man who had been specially appointed by Act of Parliament, and that misplaced confidence might have given rise to the fraud which had been committed. It was supposed that he (Sir J. Graham) had been guilty of negligence in not asking for a security, especially in a time of war; but what was the fact? The defalcation of Mr. Swabey took place at the end of December last year; war was declared in the month of March of this year.

Mr. MULLINGS said, that by the Report of the Committee on this subject, it appeared that several of the clerks in the office of the registrar were aware of the irregularities in the accounts. He wished to know whether those clerks were continued in their situations, and if so whether they had been reprimanded?

Mr. ROBERT PHILLIMORE said, that it was impossible to suppose that by the Act of the 3 & 4 *Vict.*, under which the registrar was appointed, any responsibility attached to the First Lord of the Admiralty, and he considered that the same observation applied to the learned Judge of the High Court of Admiralty. It would have been impossible for him to have exacted any security from a person so appointed by the Legislature itself. The hon. and gallant Member for Brighton (Sir G. Pechell) took an active part in passing that measure, which was the Bill by which Dr. Lushington was excluded from the House of Commons. Whatever blame, therefore, existed, attached to the Legislature, and to the Legislature alone. With respect to Mr. Swabey, the unfortunate person who had been guilty of this robbery was nevertheless a man who had the highest possible character, and whose connections were such as would induce any one to place confidence in him, and he (Mr. Phillimore) believed that, with this exception, nothing had ever been said against his character. He had, however, committed a grave offence, the blame of which attached quite as much to Parliament as to any individual whatever.

SIR HENRY WILLOUGHBY said, the Committee would make a great mistake in endeavouring to attach any responsibility to the First Lord of the Admiralty; but he differed from the hon. and learned Gentleman who had last addressed them in throwing the blame on Parliament. If the Judge of the Court of Admiralty had carried out the provisions of the Act of the 53rd of *Geo.* III. c. 151, by which the registrar was originally appointed, and which prescribed what were his duties, this fraud would not have been committed.

In reply to a question from Mr. HENLEY,

SIR JAMES GRAHAM said, he could not undertake to say whether the Judge of the Admiralty Court had power to take security from Mr. Swabey when he was not empowered to do so by the Act of Parliament making the appointment. That was a legal question, which it was not for him to decide.

MR. W. WILLIAMS said, he would not divide the Committee upon the Vote, believing that it was the intention of an hon. Member, upon the bringing up of the report, to move for a Committee of Inquiry.

Vote *agreed to.*

(2.) 45,000*l.*, Orange River Territory.

MR. FREDERICK PEEL said, that the Vote was intended to facilitate the carrying out of the mission intrusted to Sir George Clerk in connection with the abandonment of the Orange River Sovereignty. A portion of the Vote—about 7,000—was required to pay the salary and travelling expenses of Sir George Clerk himself. Another and a very large portion was required to compensate the Dutch farmers who assisted the British authorities during their quarrel with the natives. Another item was required to compensate the Boers, whose property had been taken possession of while they themselves were acting against Government in 1848 under their leader Prætorius. Sir George Clerk thought it better to make an arrangement with these tribes—the Trans-Vaal Boers—by offering them a compensation for the loss of their property, which had been seized by other tribes during their absence when fighting against us, than to allow them to return and enter into conflict with those who had become possessed of that property. That was the way in which this money was to be spent. He did not know whether 45,000*l.* would be sufficient. It might amount to 50,000*l.* But if it amounted even to 60,000*l.*, it would be a very economical disbursement, because the maintenance of troops in time of peace would cost 6,000*l.* a year, with now and then the probability of a war requiring the presence of an army and an enormous expenditure. On the whole he thought the abandonment of this territory, even if it cost 60,000*l.*, would be a very economical arrangement.

MR. W. WILLIAMS said, he must complain of the public money being appropriated to all sorts of claims of this sort. He wished to know whether the territory was now in the possession of these Dutch Boers, and whether they stood between the British colonists and the black population.

MR. SPOONER said, he wanted to know why they had not an estimate of the entire amount required, and how much more it was supposed would be wanting to pay off these claims?

MR. FREDERICK PEEL said, about 15,000*l.* more would, he thought, settle all the claims; but it was impossible as yet to state the amount with accuracy. In answer to the hon. Member for Lambeth he begged to say that these Boers stood between them and the Kafir population.

MR. HENLEY said, he could not understand why it was because the loyal part of the population was compensated, they must also compensate the disloyal portion?

Vote *agreed to.*

Motion made, and Question proposed—

"That a sum, not exceeding 2,000*l.*, be granted to Her Majesty, in the year ending the 31st day of March, 1855, in aid of the subscriptions raised for the erection of a building at Nottingham, in which to deposit the valuable astronomical, &c., instruments presented to the country by Mr. Lawson."

LORD SEYMOUR said, this was a Vote which required some explanation. As far as he was at present informed, he thought it very doubtful whether the Committee ought to agree to it. He had received some information respecting it, and he had seen the subscription-list which was referred to in the Vote, and he saw the name of no man of science who vouched for the value of the instruments presented by Mr. Lawson. It was stated that the instruments cost 10,000*l.*, 8,000*l.* of which (including 1,000*l.* given by Mr. Lawson) was raised by subscription; but he had been told that their real value was not anything equal to that sum. How was it that Mr. Hyde, the well-known astronomer, who was a native of Nottingham, did not lend his name to support this proposal? And, he would ask, who was to appoint the astronomer at this observatory? If this had been an application for a Vote in aid of the instruction of the people or for the promotion of science, he would not have objected to it; but he believed that, under the pretext of aiding science, the money would be appropriated to the private advantage of certain individuals. Should the Vote pass, it would be taken as a precedent; and if the House were to give money on these pretences, there would be no end to the claims that would be made upon them from the various towns in the kingdom. He, therefore, wished to know on what ground it was they were called upon to make this grant, and whether there was any real feeling in favour of it on the part of the people of the county of Nottingham?

Mr. EVELYN DENISON said, he felt himself bound, having some local connection with the district to which the Vote referred, to give the Committee all the information he possessed on the subject. Something less than two years ago the gentlemen of the town and county of Nottingham were invited to assemble for the purpose of raising a subscription in aid of a proposal which had been made—namely, that a set of astronomical instruments of the value of 10,000*l.* would be presented to Nottingham by Mr. Lawson, if the gentlemen of the county would raise a sum equal to that amount to build and maintain a public institution. A meeting was held to see what could be done, and it appearing that the whole of the money could not be obtained from Nottingham, the assistance of the surrounding localities was sought. In the first place, it was considered necessary to ascertain whether any public advantage would be obtained by the purchase of the collection, and he (Mr. E. Denison) wrote to Sir John Herschel and Professor Airy, the Astronomer Royal, to ask their opinion whether astronomy and science in general would be advanced by the formation of such an institution. The answer of these gentlemen was in the negative. Since then two incidents had occurred, one favourable and the other unfavourable to the undertaking. The favourable incident was the intelligence that Government were going to be so good as to assist the local subscription by a grant of 2,000*l.* The unfavourable circumstance was the discovery that the astronomical instruments were worth many thousands of pounds less than had been represented. It was thought, however, Government would make inquiry before they proposed any grant from the public money to assist in the purchase, and the local inquiries which had been commenced were consequently suspended. It was considered the instruments might be useful for meteorological researches, but it should not be forgotten that they were astronomical and not meteorological instruments. This was the state of the case, and he was bound to say that if the question came over again he did not think there would be the same disposition on the part of the gentlemen of the locality to come forward with subscriptions. But the collection of private subscriptions was one thing, while the voting of public money was another, and he could not feel justified in voting the money of his constituents without a much stronger case being shown than could, as far as he was aware, be advanced in favour of this Vote, especially as there were such great doubts as to the value of the instruments.

Mr. J. WILSON said, he must explain to the Committee that the Government had understood that the value of the instruments had been ascertained by those locally interested. The proposition was, that as these instruments, which were said to be exceedingly valuable in a national point of view, had been offered for 10,000*l.*, and that as the locality had already subscribed 8,000*l.* towards it, the Government ought to come forward to assist with the remaining 2,000*l.* Not being prepared to make such a grant on local grounds, the Government endeavoured to ascertain whether there were any public grounds for making such a proposition. To determine that point they referred to the Astronomer Royal and Sir John Herschel, who said that no public advantage would be gained by establishing an astronomical observatory on the site indicated, but that considerable public benefit would result from the establishment there of a meteorological observatory. This being the case, and assurance having been given that, in addition to instruments worth 10,000*l.*, private subscriptions to the amount of nearly 8,000*l.* had been raised, the Government resolved on recommending the Committee to grant 2,000*l.* to carry out the object. It now appeared, however, that the instruments, which were the basis of the whole arrangement, were worth much less than had been represented; and under these circumstances he begged leave to withdraw the Vote.

MR. W. WILLIAMS said, he could not help observing that this Vote afforded a pretty fair instance of the careless way in which the public money was wasted. Had it not been for the *exposé* made by the hon. Member for Malton (Mr. E. Denison), this job would doubtless have been perpetrated.

Motion, by leave, *withdrawn.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding 140,000*l.*, be granted to Her Majesty, for the purchase of Burlington House, Piccadilly.

THE CHANCELLOR OF THE EXCHEQUER said, with regard to this Vote, the Committee must be aware of the great difficulty experienced of late years in regard to the increasing demand for buildings for public purposes. A sum of not less than 11,000*l.* or 12,000*l.* was paid annually for the accommodation of public offices of various descriptions. The sale of the Excise Office in Old Broad Street, for which 120,000*l.* was realised, had tended to increase the difficulty of providing accommodation. The object in getting rid of that building was to concentrate the Excise department and other departments now combined with it in Somerset House. In Somerset House space was afforded to various learned societies, and the obtaining that space for the greater concentration of the public offices would be attended with great economy. It seemed to be the general opinion that these learned societies should depend for the most part on voluntary subscriptions, but that the provision of rooms in which to carry on their business was a fair and suitable contribution on the part of the State, and ought to be extended to certain bodies which had not hitherto enjoyed it. A small Vote had this year, he believed, been taken to provide rooms for the Geographical Society, but it was understood that was only an interim arrangement until the Government had space at their disposal. It was very possible in that event that accommodation would be extended to one or more bodies of the same description as the Geographical Society. There were, therefore, these two demands—first, a considerable and likely to be a growing demand from the multiplication of all the public departments; and secondly, a demand on the part of these learned societies. It might be supposed that the great purchase at Kensington would stand in the place of this Vote, but that view was more plausible than solid. The truth was, distance was all-important, and all these societies had recently expressed their unanimous conviction that, if accommodation for their meetings and ordinary business were offered at so great a distance as Kensington, they would be compelled to reject it. Under these circumstances, Her Majesty's Government thought it a fortunate event when they had the power to secure so large a site, amounting to nearly three acres and a half, in so admirable and convenient a situation as Burlington House. They thought it an opportunity that might not readily recur, while the necessity was pressing. He would also remind the Committee that at present Marlborough House was occupied by leave of the Crown for the advantage of the public, but the time would shortly come when it must be devoted to its proper purpose. Having, therefore, examined into the value of the site of Burlington House, they determined to offer a sum of 140,000*l.* That sum was at first refused. The Government stated that they would not deviate from terms which they thought just, and it was finally accepted. When the offer was first made, the Government were not involved so deeply in other demands of an extraordinary character; but a portion of the site, if thought fit, might be applied in a manner directly remunerative, being adapted for the frontage of shops. It would be impossible to retain the mansion as it stood; but the great bulk of the building erected on its site would be applicable to either one of the two great objects—the concentration of public offices, or the affording learned societies accommodation of which they were in need, and which it was clear should be given from the public resources.

MR. VERNON SMITH said, he believed that, at such a distance from Downing Street, Burlington House would not be very well adapted for public offices. With regard to these learned societies, he hoped his right hon. Friend the Chancellor of the Exchequer would be very careful how he admitted these bodies, and let it be distinctly understood that the accommodation was only temporary, and revocable at the pleasure of the Crown. They all knew what inconvenience had been experienced in the building of the National Gallery in consequence of a portion of it having been devoted to the Royal Academy, and they having thought proper to consider the occupation permanent. Before proceeding to destroy the beautiful mansion, he hoped some estimate would be submitted, and some plan of the structure to be raised in its place would be laid before the House.

SIR WILLIAM MOLESWORTH said, the building would be very applicable to the various public commissions scattered about the metropolis, as well as those societies which possessed rooms at the expense of the Government. With regard to pulling down Burlington House, plans were in preparation in the office of the Board of Works, which would be submitted to the Government, and when approved by the Government, would be brought under the consideration of Parliament to obtain a Vote upon them. The right hon. Gentleman might rest perfectly assured nothing would be done until those plans had been carefully prepared and submitted to the Government.

MR. SPOONER said, that already Parliament had granted 200,000*l.* for the purchase of ground at Kensington, and the strongest argument for that grant was, that the building would be applicable to these very learned societies, who now thought it too distant. That Vote was proposed by Lord Derby's Government, and objected to by him as strongly as he now objected to this Vote.

And it being a quarter before Six of the clock, the Chairman reported progress, and Mr. Speaker resumed the Chair:—Committee to sit again *To-morrow.*

The House adjourned at twelve minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 27, 1854.

Reported—Reformatory Schools (Scotland); Ecclesiastical Jurisdiction; Stock in Trade Exemption; Common, &c. Rights (Ordnance); Land Revenues of the Crown (Ireland); Highways (Public Health Act).

3ª Merchant Shipping; Registration of Births, &c. (Scotland); Usury Laws Repeal; Returning Officers; Turnpike Acts Continuance, &c; Jury Trials (Scotland); Friendly Societies; Royal Military Asylum; Poor Law Commission Continuance (Ireland); Heritable Securities (Scotland); National Gallery, &c. (Dublin).

MERCHANT SHIPPING BILL.

Bill read 3ª (according to order).

EARL WALDEGRAVE moved the introduction of a clause providing that if any person, being a Malay, Lascar, or native of the territories under the government of the East India Company, should be brought to the United Kingdom on board ship, and should be found, while in this country, to be in want of food, clothing, or other necessaries, it should be lawful for the Lords of the Admiralty to supply him with necessary relief, and to send him back to, or near to, the port from which he was shipped.

LORD STANLEY OF ALDERLEY considered the clause was unnecessary, and that if it were introduced it would not meet the object in view. It was enacted by the East India Company's Act that they should be at the expense of maintaining such persons, if belonging to their territories, while in this country, and of sending them back by ship to their own country; and they had power to prevent sailors going on board ship without giving security that they should be taken back. With regard to persons from the Sandwich Islands and similar places, the clause would not meet their case, for it only referred to Malays and Africans.

THE EARL OF HARDWICKE was sorry he could not compliment the noble Lord upon the soundness of his argument. Whatever technical objections might be urged against it, common sense would say that nothing could be more reasonable than the clause proposed by his noble Friend. He could not imagine any greater hardship than to allow merchant shipowners to bring foreign seamen from distant parts of the world, pay them off in the port of London or Liverpool, cast them adrift in the streets, and leave them chargeable to the poor rates or the charity of the public. This was a hardship alike to the sailor and the public; and in his opinion the clause was a most just and useful one.

LORD STANLEY OF ALDERLEY said, that the Poor Law Commissioners had been communicated with as to whether they should not bring in a Bill for the correction of the evil complained of. To apply a remedy would be very difficult in any case; but if a mode of doing so could be devised, he had no doubt they would be glad to adopt it. After all, however, the evil chiefly applied to very few persons—namely, the natives of those countries which had no Consul or Minister here. In the case of civilised countries that were represented here, it was a part of the duty of the Consul or Minister to send home their own distressed subjects. Lascars and natives of the East Indies were provided for by the East India Company; and the evil only affected, therefore, natives of Africa, the Sandwich Islands, and the other islands of the Pacific Ocean.

LORD COLCHESTER hoped the Board of Trade would, at all events, consider the matter before the next Session of Parliament, and see if they could not next Session introduce a measure to remedy this admitted evil.

Amendment *negatived:* Bill *passed,* and sent to the Commons.

On the suggestion of Lord REDESDALE, *Moved* to resolve,

"That this House, having adjourned on Monday last before a Bill intituled 'An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares,' could be brought from the Commons House, after being passed there on that Day, by which Accident alone the Second Reading of the said Bill could not be moved on Tuesday last, it is reasonable that the same be allowed to be read a Second Time this Day, if the House shall think fit so to order."

On Question, *agreed to,*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House *Tomorrow.*

SALE OF BEER, &c., BILL.

Order of the day for the House to go into Committee read.

THE EARL OF HARROWBY, in moving, "That the House do now resolve itself into Committee," said, that there were two or three Amendments which he proposed to introduce on the bringing up of the report. The object of the Bill was to impose certain restrictions upon the sale of liquors in public-houses on the Lord's Day, and the question was how this could best be done without interfering with the comforts and convenience of the people. The measure, so far as the limit upon the hours during which those places should be opened on the Sunday morning was concerned, had, he believed, received the approbation of all parties, as tending to the promotion of public order and morality. Under a recent Act public-houses were closed altogether in Scotland on the Lord's Day; and though a law going to that extent might interfere with the notions of liberty entertained in this country, yet he believed that Act had given universal satisfaction to the people amongst whom it was in force, and the Magistrates had declared that since its enactment the amount of crime had very sensibly diminished. The Bill did not propose to follow up that example to the full extent, but to allow houses of public entertainment in England to be open during part of the Sunday, in order to enable parties to obtain beer and other such refreshments as they might require. It had, however, been suggested by persons engaged in the trade that the object of the Bill might be answered by the adoption of somewhat less severe restrictions, and that by allowing the houses to remain open for a somewhat longer period the public would be subjected to less inconvenience than if the Bill remained as it was. Considerable communications had been held with a body of persons called the Licensed Victuallers' Protection Society, upon the subject of the restrictions it would be most desirable to introduce; and, in consequence of those communications, the hours during which these houses should be opened had been fixed from 1 P.M. to 2 P.M. in the middle of the day, and from 6 P.M. to 10 P.M. in the evening. Subsequently the question had arisen, whether that was sufficient, especially in the case of houses situated in the suburbs; and on further consideration he was not sure whether it would not be desirable to extend the period for opening from 1 to half-past 2 P.M. in the middle of the day, to enable the working classes to provide themselves with beer for dinner, and in the evening to allow the houses to open at 5 P.M. instead of 6 P.M., in order to provide for the convenience of persons who made excursions into the country, and, of course, required refreshments on such occasions. It had further been represented to him that the closing hour of 10 P.M. would be impracticable in those public places and gardens where thousands of persons frequently assembled together in the summer months, the difficulty being to get rid of them at so early an hour. There would be no objection, however, to the service of refreshments being closed at 10 P.M., provided the premises were allowed to remain open until 11 P.M. This, he believed, would satisfy all parties, and at the same time tend to provide for the public convenience. He admitted that the question was extremely difficult to deal with; but he trusted the alterations he had indicated his willingness to make would attain the object he had in view;

and whilst promoting quiet and social order on the Lord's Day, do so without trenching upon the comforts and convenience of the people—the working classes particularly.

LORD BROUGHAM owned that he regarded with very great satisfaction such relaxations of the Bill as his noble Friend proposed to introduce, believing, as he did, that those relaxations would to a great degree get rid of the main objections to the measure. He meant no offence to the authors of the Bill when he said he felt bound honestly to state the repugnance which he entertained at legislation which had its pressure upon one part of the community, whilst it did not press at all upon another. The part of the community upon which the Bill had a tendency to press, if it had not an actual pressure, was the working classes—the common people—what used to be termed the lower classes—the great body of the people. It was upon them that the measure tended to press; whereas the upper classes, and even the greater part of the middle classes—but at all events the upper classes—were not in the slightest degree affected by it. The Bill did not prevent him from going, if he chose, to any of the club-houses in St. James's Street or Pall Mall. They were open at all hours on Sunday, Good Friday, and Christmas Day, and every other day, just as well as in the week. [The Earl of HARROWBY: They are private houses.] He was afraid they could hardly be called private, for they were open to 600 or 700 persons, and to a certain degree were, therefore, public, though not so public as that any person whatever had a right to enter them. But he did not mean to dwell upon this objection, because, knowing as he did the very strong prevailing feeling of the country in favour of some measure of this description, he certainly for one was disposed to gratify that feeling, considering also that he was told the experience of Scotland was that the more general and stringent measure in operation there had had an excellent effect in checking the various social disorders which formerly existed in that country on Sundays.

THE LORD CHANCELLOR said, he did not wish to throw any obstacle in the way of the Bill passing; but he wished to draw the noble Earl's attention to certain words in the Bill which had already raised a practical difficulty in the Act that had been passed for Scotland. He held in his hand a petition from the proprietor of a public-house in Glasgow. The petitioner complained that there was a great doubt entertained as to the meaning of the words "*bonâ fide* travellers," and that the justices of the peace were not agreed as to what constituted a "*bonâ fide* traveller." If, for example, a person were going from this to the Crystal Palace or to Hampstead Heath, some of the justices would say that he was a *bonâ fide* traveller, others that he was not. Now, he (the Lord Chancellor) could not but think there was weight in this objection. He would suggest to the noble Earl to use some more comprehensive words to express his meaning as to "*bonâ fide* travellers."

THE MARQUESS OF CLANRICARDE said, he had intended to call attention to the same point. He considered that this Bill was one which ought to be most carefully and attentively considered, inasmuch as it had the appearance, to some extent, of being an infringement on the liberty of the industrious classes. There was no country in the world in which the industrious and working classes had so little real recreation as the working classes of this country had, and we ought certainly to pause before we hastily deprived them of any little they might possess. The subject was one of very great importance, not only in such cases as the noble and learned Lord had alluded to, but also in reference to that very large class of persons who at present travelled by excursion trains on Sunday, to whom the word "traveller" was generally held not to apply. Surely it was a great hardship that these persons should not have the same advantages as other ordinary travellers, and surely it was very unjust to deprive them of the ordinary means of recreation and refreshment. Since these excursion trains had been brought into use there were many people who went down on Sunday to the seaside, arrived at their destination in time for church, and, after attending morning service, devoted the other part of the day to innocent and rational enjoyment of the country; but if we put too great restrictions on these men in the way of refreshment, we should be doing them a very great injustice, and be unnecessarily taking upon ourselves to interfere with their enjoyments. It was absolutely necessary that the meaning of the word "traveller" should be properly defined, and it was a monstrous notion that we should go out of our way to call a man by one name when he travelled for pleasure, and another when he travelled for business, and treat him in a totally different manner.

THE DUKE OF ARGYLL said, he quite understood the difficulty and doubt in reference to the general question of legislation upon that subject at all;—it was a subject of great difficulty and delicacy. At the same time he had no doubt of the immense benefit resulting to the working classes from the operation of the stringent Act already passed. A much more stringent Bill was passed last year restricting the sale of liquors in Scotland upon the Sunday, and he had lately seen remarkable statements from sheriffs of counties and magistrates of boroughs, as to the advantageous effects produced by that Act in diminishing drunkenness. He quite concurred with the noble Marquess in thinking that they ought not to interfere with the amusements and recreations of the working classes; at the same time he did not think that the going into beer-houses was a recreation.

THE EARL OF HARROWBY considered it would be very difficult to introduce any positive definition of "travellers" into a Bill of the present description, and feared that we must leave the matter, as it now stood, to the vague common sense of those who were most interested in obeying the law and those whose duty it was to enforce it.

LORD ALVANLEY said, he did not see why a particular class of persons should be admitted into public-houses at particular times, and other classes should be excluded.

LORD CAMPBELL considered that this Bill, specifying particular hours for closing public-houses on Sunday, would be the means of preventing many difficulties from arising in respect to these places. The last Act specified that public-houses should not be opened on Sunday during afternoon service, and, on account of the obscurity of the expression, constant instances of confusion arose, from the different hours during which different churches and chapels performed their services. It was much better to specify, as this Act proposed to do, particular hours. The Bill would be of great service to the men belonging to the working classes, but the good it would be to the women and children would be incalculable. He was not at present inclined to recommend the adoption of the "Maine Law," although, perhaps, we might come to that, but he felt bound to say that he went all the length that the proposed Act did.

House in Committee accordingly; Bill *reported* without Amendment; and to be read 3ª *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 27, 1854.

MINUTES.] PUBLIC BILLS.—1° Crime and Outrage (Ireland).

2° Acknowledgment of Deeds by Married Women; Marriages (Mexico).

3° Chancery Amendment; Benefices Augmentation.

FINCHLEY ROAD ESTATE BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD R. GROSVENOR, in moving that this Bill be read a second time this day three months, said, that he considered it expedient to arrest the further progress of the measure. The promoters of the Bill complained that great exaggeration had been had recourse to, and many misrepresentations made with regard to its provisions. It was said by them that an attempt had been made to impose upon the public with respect to its provisions, and that the House came to the discussion with an unfair amount of prejudice; but he considered the case was so plain against the measure that it required no amount of dressing up, and that it would have been equally clear if the name of Sir Thomas Maryon Wilson had never been mixed up with it before. The House would bear in mind that five Bills had been already introduced on this subject by that gentleman, all of which had been rejected by Parliament—one proposing to deal with Hampstead Heath itself, and four of them to build property abutting on the heath, which would most materially affect the comfort, health, and enjoyment of the tens of thousands to whom that heath afforded the means of recreation. He therefore hoped he should persuade the House that, not only as legislators, but as trustees for the public, they ought to put an end at once to any further attempt at legislation on this subject. This class of Bill was not at all an uncommon one, for, whenever an heir to a tenant for life found that, through circumstances which had arisen out of the contemplation of the testator through whom he inherited, certain powers were necessary which he could not by law exercise, he went to Parliament, for the purpose of obtaining a relaxation of the provisions of the will, and that relaxation Parliament usually granted, provided that it was proved to demonstration that the wish of the testator was not interfered with, or public interests damaged. In order to ascertain that fact, which was a very important one, the wills and codicils were referred to learned Judges to report to Parliament whether or not, in their view of the case, the circumstances rendering the Bill necessary were within the contemplation of the testator. In this particular case the usual course was pursued, the will and codicil being referred to two learned Judges, and they had reported against the Bill, not only on this, but on former occasions; and, should the House of Commons give its sanction to the measure, it would be doing that which was, and he hoped would continue to be, unprecedented, because Parliament had never hitherto granted the powers sought to be obtained by Bills like the present in the face of an adverse report by those learned persons. It was unnecessary for him to weary the House by going into any minute details of this particular case, because they had been stated with clearness and accuracy in a paper which he held in his hands, and which hon. Gentlemen had also had an opportunity of seeing. The reasons advanced in that paper had convinced him, and would convince any one who would take the trouble to read them. He thought it was quite clear that the late Sir Thomas Wilson had designedly deprived the present tenant for life of the power to grant leasing powers over the Hampstead property, because, while expressly giving such powers over other parts of his estate by a codicil to his will executed in 1821, he had entirely omitted all reference to the property in question. It was indeed said that Sir Thomas Wilson had no intention to build upon Hampstead Heath, which was entirely apart from the property embraced in this Bill. It was, however, not a little remarkable that when, ten years ago, the copyholders agreed to withdraw their opposition to the granting of the powers sought so far as their property went, on consideration that Sir Thomas Wilson would enter into an engagement to leave the portion abutting on Hampstead Heath uninclosed. Sir Thomas Wilson refused to make any such engagement, and only two days ago that refusal had been confirmed in a personal interview which he (Lord R. Grosvenor) had had with the agent of Sir Thomas Wilson. There was really no difference in principle between the present and the former Bills promoted by Sir Thomas Wilson; the provisions of the will clearly refused building power; and, even if he had shown an inclination to enter into any such engagement, the House, who ought to consider themselves trustees for the public, should, when they found an attempt made by means of a Bill of such a description to inclose an enormous open space of ground in the neighbourhood of the metropolis, refuse at once to give their assent to any such measure. It was said that Sir Thomas Wilson had power now to build over the estate, but it was perfectly clear that such power was useless unless Parliament gave him the leasing powers he sought, and conceiving, as he did, that there were the strongest objections to granting them, he should move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir FREDERIC THESIGER said, he must disclaim the slightest personal interest in the question or knowledge of Sir Thomas Wilson or any of his family, and he considered that he was acting only in accordance with the wish which must be felt by every Member of that House that no injustice should be done if this Bill was allowed to pass. But he must confess that, so far from thinking the arguments either of the noble Lord the Member for Middlesex (Lord R. Grosvenor), or those contained in the paper of "reasons" to which he had alluded, were conclusive against the measure, in his opinion, formed as it had been most impartially, very great injustice would be done if this Bill were not allowed to pass. The reasons on which he had founded that opinion, erroneous though they might be, he would submit to the dispassionate consideration of the House. He was quite aware that a very strong feeling existed in the public mind against Sir Thomas Wilson, in consequence of the desire which he appeared to have entertained for some time past of inclosing Hampstead Heath. He knew nothing whatever of the merits of that question except that which he had gathered from the newspapers of the day, but he must say he should be extremely sorry if any such plan should be ever successful, and would do all he could in his power to resist it. But, if he was rightly informed, the present measure had no reference whatever to any portion of Hampstead Heath, or to any land abutting upon it; for the land it dealt with was, according to the information he had received, at least a mile from the heath, and there was no part in sight of it. In the reasons which had been submitted he found, among others, it was urged that if this concession were made it would be cited as a precedent for the granting of similar powers over the land abutting on the heath. Now, he did not consider that a fair and legitimate argument. The House ought to deal with a question on its own merits, doing that which they considered right on the present occasion, and not withholding its sanction to a measure because they thought it would be cited in favour of something that would be wrong subsequently. The position of Sir Thomas Wilson, the owner of the property, was not quite understood in reference to this matter. He was the tenant for life under his father's will, with power of leasing for twenty-one years, and, supposing him to die to-morrow without children, his nephews, who were all of age, being successors in tail to the property, would become immediately absolute owners of the property, and might lease it for ninety-nine or 999 years without coming to Parliament at all, or, if they chose, cover the land with buildings. But it appeared, by certain codicils made by Sir Thomas Wilson's father, that he gave power to grant building leases with respect to certain portions of his property at Woolwich and Charlton; the codicils were made in reference to the then state of the property, and it was upon those considerations that the Judges had given their opinion on this Bill to the House of Lords. Much stress had been laid on the fact that that opinion was adverse to the Bill, but let the House consider the position of the Judges with regard to the advice they gave on Estate Bills. They expressed no judicial opinion, but merely gave their advice to the Lords, which their Lordships could adopt or not as they pleased. It seemed to him that the argument drawn from the circumstance of the Judges having given an adverse opinion cut exactly the other way, because it showed how strong the case must be which would induce the Lords, departing from their usual course, to be dissatisfied with the opinion of the Judges and pass the Bill, adopting a course which was said to be unprecedented. That was an argument the other way altogether, and, so far from being an "unanswerable reason," certainly told against the opposers of the measure. With great deference, and supported as he was by the opinion of the House of Lords on this subject, he thought the advice given by the Judges was not very well founded, or the result of a very careful consideration of the circumstances of the case. The noble Lord the Member for Middlesex was aware that, since the codicils, the Finchley Road had been driven through the estate from south to north, and a railroad had been constructed from west to east; the state of things was so entirely different from what it was at the time the codicils were made that he thought he might, without the display of too much confidence, venture to say he should have come to a different conclusion from that at which the Judges had arrived. It was probable that at the time the owner of the estate made the codicil he never contemplated that the population would advance so rapidly in that direction; and, in respect to land which was capable of being applied only to agricultural purposes, nobody by wills or settlements in which that land was dealt with would think of giving building powers—the thing would be ridiculous. That might have been the case with the late Sir Thomas Wilson, and he might have been in the state of mind in which the noble owner of Burlington House was, who built it in its present situation, because he thought London would never extend so far. He put it to the candid consideration of the House whether any prudent person who was the absolute owner of this estate would not, instead of keeping it in useless coppice, have applied it to the only purpose for which it was applicable under the existing state of things? And when they considered what the intentions of the testator must have been, if he had in view the altered circumstances of the case, it was almost conclusive in favour of the argument that he would have given those powers for the improvement of the estate which he himself would have exercised if he had been absolute owner in possession. He, therefore, ventured to think that the Judges had misapprehended the case, and had not given that careful attention to all the circumstances which they might have done, and in that opinion he was confirmed by the circumstance that the House of Lords had not adopted their advice. The noble Lord (Lord R. Grosvenor) had said the Members of that House were trustees for the public, and ought to take care that a large spot of open ground should not be inclosed, in order that the public might have health and recreation, but this measure did not ask to have a large open piece of ground inclosed. A considerable portion of this very land in question had been let out as a park, and the public had no access to it whatever. They might pass along the railroad and the Finchley Road, but resorting to it for health and recreation was entirely out of the question. The real reason why the opponents of the Bill hoped it would be rejected was, because, at some former period, Sir Thomas Wilson had projected a plan for inclosing Hampstead Heath, and the fear, if the present Bill was passed, it might be used as a precedent or an argument for the inclosure of Hampstead Heath at some future time. He did not think that was a fair conclusion. Nor let them forget that, in preventing the application of this property to the only purpose for which, under existing circumstances, it could be advantageously applied, they were prejudicing the interests not only of Sir Thomas Wilson, but of the reversioners. With respect to the rights of copyholders, they must have known that, some time or other, the owner would become possessed of the property absolutely, and in a position to cover it with buildings, without the intervention of the Legislature. Although he himself was perfectly indifferent to the decision the House might come to, he was yet extremely desirous that no injustice should be done, which he believed would be the case if the Bill were rejected.

MR. BERNAL OSBORNE said, that though the Bill came before the House under the specious guise of a private Bill, it was to all intents and purposes a public measure. He thought the speech of the hon. and learned Gentleman who had last spoken could hardly have furnished the House with satisfactory reasons for upsetting the will of the late Sir Thomas Wilson; for, let them recollect, that was the object of this Bill. He did not know whether the doctrines laid down by the hon. and learned Gentleman would be satisfactory to the legal profession, but he did not think that the disrespectful way in which the hon. and learned Gentleman had spoken of the opinions of two of the greatest Judges of the land, would be received with satisfaction by the profession. Who were the learned Judges who had given a decision on this question—"Whether the late Sir Thomas Wilson desired to omit his property at Hampstead from the provisions of his will which gave building powers on his other estates," and who had reported that they "saw no reason for setting aside the dispositions of his will." That Report was signed by Frederick Pollock and Edward Vaughan Williams, who were admitted to be two of the ablest and most respected Judges on the bench. The hon. and learned Gentleman had kept some material points in connection with this measure out of sight, which ought assuredly to have been brought before the House. There had been five Bills promoted by Sir Thomas Wilson, to enable him to build on Hampstead Heath. The first Bill was introduced in 1827, when he asked for powers which would have enabled him to have built over the entire of Hampstead. The House must consider the previous circumstances of the case when a Bill came before them invidiously entitled the Finchley Road Estate Bill, but the proper title of which was A Preparatory Bill for the Building over of Hampstead Heath. Several other Bills were brought in subsequently, and rejected. In 1843 Sir Thomas Wilson changed his tactics, and he placed the will of his father before Sir Frederick Pollock, but not the codicil, and the learned Judge accordingly then reported in favour of the Bill. But in 1854 he was obliged to amend the recital, and produce the codicil; and then Sir Frederick Pollock decided that there was no reason for altering the dispositions of the testator's will. The hon. and learned Gentleman said that the Law Lords in the other House who opposed the other Bills were all in the House when this Bill was passed, and they did not oppose it as they had done the other. [Sir F. THESIGER said he did not exactly say that.] Well, at all events Lord Brougham and Lord Campbell were present, and they had hitherto opposed these Bills; and Lord Brougham had said tha the object of the Bill was to defeat the testator's will, and he did not consent to it. Lord Campbell, the Lord Chief Justice, whose opinion he supposed the hon. and learned Gentleman would also treat with a disrespect which he (Mr. B. Osborne) could not venture to do, said that his opinion of the Bill was unaltered, and that it was the same as that of Lord Tenterden and Lord Denman, who declared that it was contrary to the principles of jurisprudence that a Bill like this should pass; and if it was agreed to, there was no reason why Sir Thomas Wilson should not apply for powers to build over Hampstead Heath—for by agreeing to this Bill, you conceded the whole principle. That was the opinion given by Lord Campbell the other day. He (Mr. B. Osborne) hoped the House would not pass this Bill, which was a most invidious attempt on Hampstead Heath. They must not be led away by the argument of the hon. and learned Gentleman, that the land in question was a mile from the heath. A beautiful path leading to Hampstead ran through it; and as Sir Thomas Wilson would give no pledge that he would not build on Hampstead Heath, it was clear that he had an eye, as he always had had, to building on that space at some future time. He would not enter much into the question between the copyholders and Sir Thomas Wilson; but the main point was the question as it related to the poorer and middling classes, who had a vested interest in the preservation of Hampstead Heath. He hoped the Government would take up the matter, and not leave the question of Hampstead Heath in its present unsatisfactory position. He would sit down, expressing a hope that he had convinced the House that by agreeing to this Bill it would be an abominable misuse of its power of passing private Bills, for it would give Sir Thomas Wilson powers which his late father was unwilling to invest him with.

MR. BOUVERIE said, he was delighted to find his hon. Friend had so great a reverence for the opinion of the learned Judges, which, however, he believed the hon. Gentleman had not always manifested. He had no doubt, however, that the House would be disposed to pay respect to the opinions of the Judges on matters peculiarly within their cognisance. But, at all events, he thought that they were quite competent to form an opinion for themselves upon this measure. It was said to be clear that the testator, if alive, would not have given his son the powers which it was sought to confer on him by this Bill, because he omitted the Hampstead property from the operation of the codicil of 1821, by which he gave power to grant building leases over the Woolwich and Charlton property. He contended, however, that the fact that the Finchley Road property was not then adapted for building land quite sufficiently accounted for its omission from the codicil. And that there could be no doubt that, now that it was adapted to that purpose, the testator would, if at present living, give the same powers over it as he had done with respect to land so circumstanced at his death. It was, indeed, said that the late Sir Thomas Wilson entertained strong objections to the inclosure of Hampstead Heath; and the whole of this case rested on the supposition that it would interfere with the rights of the public in closing Hampstead Heath. He could assure the House it had no more to do with Hampstead Heath than it had with Belgrave Square, and it was merely because it happened to be the same owner who applied for the power that such great apprehensions were felt for Hampstead Heath. They ought to decide the question on some general ground, and not be led away by clamour or prejudice. In his opinion there ought to be some general law, enabling persons possessed of primitive interests in estates to exercise their powers of granting long leases, but, failing that provision, the general practice was to apply for Estate Acts, enabling them to do it in particular instances. Almost all applications for Estate Acts related to land situated in the immediate vicinity of large towns; therefore the objections urged to the present Bill might well apply to all such Acts, as it was only when the land became valuable by the approach of buildings that the necessity for such Acts arose. With respect to the opinion of the Judges, he must confess that he entertained the highest reverence for it, but the House would recollect that in this case they were not delivering a judicial opinion, and that it was a question upon which every gentleman could form an opinion. Whatever might be the opinion with respect to Hampstead Heath, there could be no question that the present measure had nothing to do with it, relating as it did solely to some pretty green fields lying beyond Finchley

Road and St. John's Wood, exceedingly agreeable to look at, no doubt, but in a situation which must, in the natural order of things, be sooner or later built upon. There was nothing to distinguish this from other Estate Bills which were agreed to day after day, and more than forty of which had been passed that Session.

Mr. HENLEY said, the hon. Gentleman had not put the question fairly before the House. If a private person was as competent as a Judge to form an opinion on such questions, what was the use of referring to Judges all questions connected with Estate Bills? He should be glad to hear from the hon. Gentleman how many Estate Bills had come down from the Lords against the opinion of the Judges. The hon. Gentleman has asked on what grounds they were to refuse the Bill. He thought the question rather was, what were the grounds to induce the House to pass the Bill? The Judges had decided that the settlement of the testator ought not to be disturbed. He had heard no valid reason why the Bill should pass. It was said this Bill had no reference to Hampstead Heath. But he thought the House had no business with this Bill. It ought to stand on the ground of all other Estate Bills. Unless there were special reasons, wills ought not to be disturbed, and parties who only took a limited interest under a will ought not, except on very good grounds, to have that interest enlarged. He had heard no reasons for altering the intention of the testator, and must therefore vote against the Bill.

Mr. MASTERS SMITH said, he hoped, as a personal friend of Sir Thomas Maryon Wilson, he might be allowed to make an observation on this question, and he considered that it was well for that gentleman that he had at least some friends in the House to disabuse the minds of hon. Members and the public with respect to the exaggerated statements made on this matter. The noble Lord the Member for Middlesex (Lord R. Grosvenor) had stated that he had had a personal interview with the agent of Sir Thomas Wilson, who refused to make any compromise. He had not stated the matter quite correctly. The question asked was whether, in selling the property, Sir Thomas Wilson would agree to a stipulation that it should always remain agricultural land; and that was what was objected to, as by making such a stipulation, Sir Thomas Wilson would be making the public a present of 13,000*l.* He assured the House that there was no intention on the part of Sir Thomas Wilson to inclose Hampstead Heath, and, in confirmation of his statement, he held in his hand a letter from Sir Thomas Wilson himself, in which he disclaimed anything of the kind. Although the opinion of several learned Judges had been expressed unfavourably to this Bill, yet he would remind the House that Lord St. Leonards had always supported it, observing that such Inclosure Acts were of every-day occurrence. He could not believe that the House of Commons would refuse to Sir Thomas Wilson what it had already granted to so many applicants, and, considering that the sole object of that gentleman was to improve his property without damage to the public, he should give the Bill his cordial support.

Sir BENJAMIN HALL said, that as the late Sir Thomas Wilson expressly gave his son power to grant building leases over part of his property, but not over the rest, he thought it was pretty clear he did not intend him to have any such power over the excepted estate. This was really a question of legal construction, and upon this the two learned Judges to whom the Bill was referred had given an opinion, which he did not think that that House ought to, or would, disregard. As far as he could understand the legal part of the question, it was this, that Sir Thomas Wilson was tenant for life under the will of his father. Suppose he died, then the entail ceased, and the reversioner could do as he pleased. What they were desired to do was to anticipate that period, and to allow the tenant for life to do that which the reversioner would be enabled to do. The hon. Gentleman said also that the property was now of immense value, and that it could not become more valuable. Why, they all knew that the current of building was in that direction, and if this property were withheld from the market for ten or fifteen years, the reversioner would have a more valuable estate than at present, because the more they surrounded it with buildings, the more valuable would the property become. The hon. Gentleman who spoke last said there was a great outcry against Sir Thomas Wilson, but that there was no intention on his part to inclose Hampstead Heath. If there was such an outcry, and he had no such intention, why did he not come forward and insert a clause in the Bill to prevent his having the power of doing that which he said he had no intention of doing? But, so far from doing that, what had Sir Thomas Wilson done? As far as his information went, he had one time actually laid out Hampstead Heath for building. [Mr. M. SMITH was understood to say that that was not so.] Well, if not exactly on the heath, immediately contiguous to it, as if he intended to lay out ground and build houses, with a view to encroach on the heath. [Mr. M. SMITH: Never.] Then he supposed his information must be wrong, but if Sir Thomas Wilson did not intend to build on Hampstead Heath let a clause be introduced in the Bill to that effect. There was another good and sound reason why this Bill should not pass. The Commissioners appointed to inquire into the Corporation of London had made a Report, in which they recommended that a board should be established for the metropolitan district, with power to acquire such property as may be useful for the health and recreation of the inhabitants. The noble Lord the President of the Council had given almost an assurance that very early in the next Session a Bill should be brought in founded on the Report of those Commissioners. Therefore, he thought no great harm would be done by rejecting this Bill for the present, as the Commissioners would have power to treat with Sir Thomas Wilson for the purchase of the property. At all events, it would be most unwise and unjust in them to set aside the opinion of the Judges, to whom the matter had been referred.

MR. E. BALL said, the Bill ought not to be looked upon as a private Bill. It was said there was no connection between Finchley Common and Hampstead Heath, but he believed there was a close connection between the two properties. It must be recollected that one of Sir Thomas Wilson's former Bills contained a clause for inclosing Hampstead Heath. As so many adverse opinions—both of Lords, Commons, and Judges—had been given, he should rather pay respect to those opinions than to the reasons which had just been urged by hon. Members to the contrary. It was obligatory on that House to preserve the rights and recreations of the poor, and, considering that the health of the metropolis was involved in the question, he should oppose the Bill.

MR. LOWE said, he so totally disagreed from a great number of the reasons which had been urged against the Bill, that, although he could not hope to add anything new, he should not like to give his vote against it without stating his exact views. He entirely disclaimed taking into consideration for a single moment, or allowing himself to prejudge this matter, by anything which had been said with respect to the question of access to Hampstead Heath, or with regard to the detriment of the people. It might be, and no doubt it was, very desirable that Hampstead Heath should be preserved to the public; but, if so, let the public purchase it, and let them not employ the power given them of rejecting this Bill as a means of saving their money, or of making better terms with Sir Thomas Wilson. They were rich enough to be able to afford to be honest, and he therefore entirely disclaimed being influenced by such considerations. He thought this was a purely legal question, and they ought to take care that no one should blind their eyes in the matter, either on behalf of the public or of individuals. What they had to inquire and ascertain with reference to the Bill was, what was the intention of the testator, and of an Estate Bill which was almost in the nature of a conveyance? They ought not to sanction anything which would do violence to the will of a dead man; but could they carry out the intention of the Bill without such violence? These wills were made for the convenience of the living, and, therefore, the only question he asked himself was, what were the intentions of the testator when he made the will? If the will stood alone, and had no codicils appended to it, saying nothing about leasing powers, notwithstanding the inconvenience that might result to the public, he must have voted for this Bill, because he might have believed that the omission of leasing powers was a mere oversight on the part of the testator, which would be no reason for restricting the advantages or curtailing the liberty which the son desired to have in dealing with property his father had left him for his own benefit; but when he found the testator had made no less than five codicils, and that in the first two of them he had passed his large suburban property in review before him, giving those powers to the devisee in certain estates, and saying nothing about such powers with respect to certain other estates, he could not doubt, as a lawyer and a man of sense, that the testator had the whole of his property in his mind, and that, considering what he wished should be done with it after he was dead, he passed it all in review, marking out certain portions over which he gave his son liberty to grant building leases, and at the same time knowingly omitting the granting of such powers with respect to other portions of the property. He apprehended that was the common-sense view of the question, and that in this case the maxim *expressio unius est exclusio alterius* applied. If he could have doubted that before, he was confirmed in his opinion by that of the two learned Judges, who had arrived at the same conclusion, one at least having been so little biassed with respect to the matter that he only came to that decision after the fact had been brought to his attention that there was a codicil. This was a dry point of law as to what was the intention of the testator, and whether that intention was expressed in the words of the will. On that point they were fortunate in having the guidance of two learned Judges of the law to lead them to a conclusion. As he would not go against that conclusion, so he would not allow his mind to be prejudiced by considerations which did not bear on their case. It was consistent with his principles that they should do simple justice in all matters. He should have adopted that principle if it had led him to a different conclusion, and it was because he felt that justice ought to be done that he would not have it supposed he was swayed one way, right or left, by any consideration of what became of Hampstead Heath.

Mr. IRTON said, he was glad to find that there was such a disposition in that House to reverence wills, and he trusted that they would always exhibit so praiseworthy an intention.

Sir JOHN SHELLEY said, he concluded that the speech of the hon. Gentleman the Member for Kidderminster (Mr. Lowe) would satisfy the lawyers. The hon. and learned Gentleman opposite (Sir F. Thesiger) said this Bill had nothing to do with Hampstead Heath; that the Bill applied only to the green fields that were to be found between Hampstead and London, which, if they passed this Bill, would soon be built upon. It was said that this Bill had nothing to do with Hampstead Heath, because the estate the Bill applied to was at a great distance. Now, it so happened that the distance was measured yesterday by a surveyor, and it was found that they were exactly half a mile apart. An hon. Member opposite said Sir Thomas Wilson did not intend to inclose Hampstead Heath, but he had never said he did not wish to build upon it.

Mr. M. SMITH said, that Sir Thomas Wilson had no power to inclose Hampstead Heath. He must have the consent of the copyholders to do that.

Sir JOHN SHELLEY said, he was quite aware of that; but the question was whether Sir Thomas Wilson had not endeavoured to build on Hampstead Heath. He earnestly hoped the House would reject this Bill.

Mr. FREWEN said, he was well acquainted with Hampstead Heath, and had gone there especially to make inquiries regarding this property. He could say that the property to which this Bill referred was not in the sight of the heath, and he very much doubted the accuracy of the statement that only half a mile was between the properties. He would refer to the letter from Sir Thomas Wilson, alluded to by the hon. Member for West Kent (Mr. M. Smith) as disclaiming any intention of inclosing or building upon Hampstead Heath. What he aimed at had reference only to land adjoining the heath. The opposition to this Bill, he believed, had reference to the object of certain parties who wished to obtain some of the land considerably below its value.

Mr. C. FORSTER said, he was of opinion that Sir Thomas Wilson was at the present moment in a position of menace and actual attack upon Hampstead Heath, and it was the duty of that House to defeat his projects, which, let them be disguised under what pretexts they might, would ultimately damage the interests of the public.

Mr. GEACH said, he came down to the House with the full intention of voting against the Bill, but the arguments he had heard had led him to an entirely different conclusion. The ground in question must be appropriated sooner or later to building, and to defer the time of doing so would not benefit the public, though undoubtedly it might be gainful to individuals who were in possession of adjoining lands. There was a prejudice abroad that the public were to be deprived of certain rights, but that was not made out very clearly.

Mr. ROBERT PHILLIMORE said, he opposed the Bill on the ground that it was quite clear that, in making the disposition of his property, the testator considered the whole circumstances of the case, and if the House passed the Bill it would be violating the intentions of the testator.

VISCOUNT GALWAY said, he thought it extremely improbable the testator would have made the same restriction if he had lived till 1854.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 43; Noes 97: Majority 54.

Words added: Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

MILITIA (No. 2) BILL.

Order for Committee read.

MR. TATTON EGERTON said, he wished to call the attention of the Government to the hardship inflicted on counties by the new principle adopted, whereby, instead of merely having to find conveniences for keeping militia stores, the county rates were burdened with the expense of erecting militia barracks, which put the county he had the honour to represent to a cost of from 12,000*l.* to 14,000*l.* The ordinary military barracks were paid for out of the general funds of the nation, and he saw no reason why that course should not be adopted with respect to this description of barracks, especially considering the heavy charges to which the county rates were already subject. He hoped some hon. Gentlemen who represented counties would take the matter up, as, he assured them, it was well deserving of attention.

MR. IRTON said, his constituents felt very strongly the burden that was about to be imposed on county rates, and on their behalf he most strongly objected to the Bill. He thought they had a good right to complain of the way in which the Bill had been introduced and pushed forward, with clauses and alterations that were not known to hon. Members generally.

MR. CHRISTOPHER said, he could assure the noble Lord the Home Secretary that a very strong feeling existed in the counties with regard to the additional charges thrown upon the county rates by the Bill introduced by the noble Lord at the end of the last Session, and adopted by the House. That measure had compelled the counties, not merely to establish storehouses for the militia, but also something like barracks upon a small scale. On a former occasion the expense of providing storehouses in the two divisions of the county he represented did not exceed 50*l.* a year, but now the county of Lincoln was called upon to provide parade grounds in the neighbourhood of Lincoln and Grantham, and he believed that the expense thrown upon the two divisions of the county for making these arrangements would amount to not less than 20,000*l.* He thought, if the Government intended to have expensive storehouses erected, that the better course would be to place the whole control of such matters under the Board of Ordnance, by whom the public service would be more efficiently carried out, instead of saddling the counties with the heavy charges proposed to be thrown upon them. He hoped the noble Lord would consent to throw the whole, or at least a portion, of those charges upon the Consolidated Fund.

VISCOUNT PALMERSTON said, he must appeal to hon. Members, whether this was not anticipating a discussion which would arise more properly in Committee on the clauses, and he, therefore, would submit to hon. Members that it would be better to allow Mr. Speaker to leave the Chair.

MR. HENLEY said, he thought it was more convenient to discuss such matters before Mr. Speaker left the Chair. The noble Lord the Home Secretary brought in a Bill at the end of the last Session, without any previous notice, to defray the charges for the pay, clothing, and other contingent expenses of the disembodied militia; and from the title of that measure no one could have supposed that the Government were about to throw upon the counties an entirely new and onerous charge for the building of barracks. The power of calling upon the counties to pay these expenses rested, not with the county magistrates, but with the deputy lieutenants, who were not now necessarily landed proprietors, and who, therefore, might have little, if any, interest in the amount of rates with which the counties were burdened. If these changes were made year by year, they would put the counties to so much expense that the counties, he apprehended, in self-defence, would refuse to do anything, and would leave Government to its remedy by *mandamus*.

MR. HOWARD said, he also thought it a grievance on the counties that they should be compelled to endure a burden which ought, on every principle of justice, to fall on the country at large.

Mr. DEEDES said, there was a new principle involved in the Bill, totally different to that which occurred in former times of war. The Bill last year was got through the House in a way not very creditable to the legislation of that House. To show how the Bill worked in his county, he would state the cost the county of Kent was formerly put to, and the cost they would be put to by the Bill. The cost was, previous to this Bill, about 80*l.*, and the cost now was estimated to be not less than first to lay out 10,000*l.* for two regiments, and then they would have to provide for a third regiment of marine artillery, besides being exposed to the demands made by the Ordnance, which must be the cause of further expense. Then there were repairs, fuel, keeping up of barracks, &c., and these alone would cost more than the whole of the charge in previous years. He could only look upon this as the introduction of a new principle, and although quite ready to say that counties ought to bear their fair share of expense, he must call upon the noble Lord (Viscount Palmerston) to consider what he was doing, and the great dissatisfaction he was causing in counties by this enormous increase of expenditure. He thought it was no answer to say that the expenditure would be spread over a series of years, for he deemed it most objectionable that the counties should run into debt instead of paying as they went on.

Mr. SIDNEY HERBERT said, the right hon. Gentleman (Mr. Henley) intimated that no one could have inferred from the title of the Act what its contents were; but he thought a reference to the clause and the circumstances would show that the opinion was not correct. He had no wish to add to the expenses, and would willingly take the words of the clause of last year. There was no intention to bring in under cover of this Act subjects which were not strictly connected with the objects of that Act. The Bill in question did not pass without discussion, as it was discussed at the time. With regard also to the complaint made by the right hon. Member for Oxfordshire, one of the clauses relating to store rooms, adopted in the Act of last Session, had formed a regular portion of every Militia Act passed.

Sir JOHN PAKINGTON said, fraud was not imputed; it was only charged that matters were introduced in the Bill which the House was not prepared for. The complaint was that Government took advantage of thin Houses to get these expenses sanctioned.

Mr. SPOONER said, he must protest against the principle of the Bill, which was to make that a local charge which ought to be a national charge.

Colonel BLAIR hoped that if any relief were granted to English counties, it would also be extended to Scotch counties.

House in Committee.

Clause 1 *agreed to.*

Clause 2 (Place for Militia Storehouse to be provided).

Mr. TATTON EGERTON moved to leave out "deputy lieutenant of such county, at any general meeting convened for that purpose," and insert "the justices of the peace for such county at the general quarter sessions next ensuing assembled." The magistrates were the proper guardians of the county expenditure, and not the deputy lieutenants, who were not now required to have property qualifications.

Viscount PALMERSTON said, he concurred with the hon. Gentleman, that it was more fitting that justices of the peace should be intrusted with these arrangements than that they should be left to the deputy lieutenants, and had, therefore, no objection to the Amendment.

Amendment *agreed to.*

Colonel NORTH moved that, after the words "providing that the premises obtained under the clause shall contain an orderly and guard room," the words "cells and magazines" be inserted.

Mr. SIDNEY HERBERT said, he must oppose the Amendment on the ground that it was unnecessary to incur a large expenditure for providing cells and magazines, which would, in all probability, be required in many cases for a very limited period.

Viscount PALMERSTON said, he considered that the erection of cells in connection with the storehouses for the confinement of men who were guilty of breaches of military discipline would entail an unnecessary expense. With regard to magazines also, it was not probable that any amount of ammunition would be required for the use of the militia, for which a place of deposit might not be found without difficulty. A supply of thirty rounds of ball cartridge per man, for a regiment comprising 1,000 men, might be deposited in a very small space, even in a closet or cupboard, and he, therefore, thought that the erection of expensive magazines was altogether unnecessary.

MR. J. G. SMYTH said, he differed in opinion from the noble Lord (Viscount Palmerston) on the subject of magazines, and considered it absolutely necessary that they should be provided. He might mention, with reference to the regiment he had the honour to command, that very recently a quantity of ammunition, consisting of rounds of blank cartridge, was obtained for the use of the corps, and, as there was no safe place in which it could be kept, it was deposited under the adjutant's bed.

Amendment *postponed.*

MR. SOTHERON moved to omit from the clause all the words after the words "militia stores," with the view of relieving the counties from the expense of barracks, and providing for such barrack accommodation as was required out of the Consolidated Fund. His object was to raise the question as to what portion of the expense incurred under this Bill should fairly be borne by the counties. He considered that, if the militia were made a national force, the funds necessary for its maintenance ought to be derived from the national resources. He thought that the portion of the expenditure for the maintenance of the militia, to be borne respectively by the counties and by the nation, ought to be clearly and distinctly defined.

COLONEL GILPIN said, he believed that, if the Government would consent that the necessary expenditure should be defrayed in equal proportions from the county rates and the Consolidated Fund, such an arrangement would be satisfactory to all parties.

MR. ROBERT PALMER said, he thought that the proposition of the hon. Member for Bedfordshire (Colonel Gilpin) was a very fair one, and would recommend its adoption by the Government.

MR. W. WILLIAMS said, he considered it unnecessary to erect extensive barracks for militia regiments, which were seldom out for a longer period than twenty-eight days during the year. He hoped that hon. Members who represented boroughs would resist the attempt to throw the charge for this purpose upon the Consolidated Fund.

MR. SIDNEY HERBERT said, he apprehended that the object of the hon. Member for North Wiltshire (Mr. Sotheron) was to limit the expense to which counties were subjected to the building of stores, and to leave the Government to provide any other buildings and to meet any other expenses which were requisite for the maintenance of the force necessary to ensure the security of the ammunition, arms, and stores, in houses which would probably not afford many advantages for defence, and which might be situated in the midst of a large population. The effect of omitting the proviso, however, would be to render the clause almost valueless.

MR. CHRISTOPHER said, it was his intention to support the Amendment, unless some assurance were given by the Government that they were prepared to charge a fair proportion of the expense to be incurred under this clause upon the Consolidated Fund.

VISCOUNT PALMERSTON said, this Bill was not new in principle, but simply defined that which was left vague in the existing law. During the late war the militiamen carried their arms on their shoulders, and wore their coats upon their backs. In such a state of things there was no occasion for the erection of storehouses. That necessity arose for the period during which the militia regiments were disembodied or not assembled for military purposes. It was quite a fair question, no doubt, whether the expenses should be borne wholly by the counties or partly by the country at large. But that question did not arise on the Amendment proposed by the hon. Member for North Wiltshire, which only went to prevent those buildings from being as perfect and secure as was desirable, by whomsoever built, whether by the Government alone or by the counties alone, or by the Government and the counties conjointly. He would seriously urge upon the Committee this consideration, that if the proviso should be struck out, there would be no security that these structures would be sufficient for the purposes intended. The passing of the Amendment and the leaving out of the proviso would effectually interfere to prevent the attainment of the object in view, and hon. Gentlemen by supporting the Amendment would only defeat their own intentions. He considered that the best course would be, first to determine that adequate storehouses should be constructed, and then to decide by whom the cost of their construction should be borne.

MR. HENLEY said, that considering the object of the Amendment was to raise the question whether it was fair to call upon the counties to bear all the expenses to be incurred under the clause, he would give his vote in favour of the Amendment.

VISCOUNT JOCELYN said, he conceived that the question which this Amendment was intended to raise would more properly come before the Committee upon the 4th clause, but at the same time he thought there was nothing to prevent the noble Lord opposite (Lord Palmerston) from now making a statement which might be satisfactory, and might prevent the necessity of pressing the Amendment.

MR. TATTON EGERTON said, he must complain that this clause would throw an unfair proportion of the expense upon the counties, and, unless the Government would consent to place a portion of that expense on the Consolidated Fund, he should support the Amendment.

MR. THORNELY said, he would suggest that, as the war could not last for ever, and as it was to be hoped the arrangements contemplated by the clause would be only of a temporary character, the Government might be enabled to hire buildings which would afford all the accommodation that was required.

Question put, "That the words 'Provided always' stand part of the Clause."

The Committee *divided:*—Ayes 94; Noes 65: Majority 29.

OXFORD UNIVERSITY BILL.

LORD JOHN RUSSELL, in moving that the Lords' Amendments to this Bill be taken into consideration, said, generally speaking, the Government were prepared to agree to those Amendments, with three exceptions of no very great importance.

THE CHANCELLOR OF THE EXCHEQUER proposed to alter one of the Lords' Amendments, which was evidently an oversight, inasmuch as it provided that the Hebdomadal Council should be elected on the fourteenth day of Michaelmas term, whilst the Congregation, which was to elect the Hebdomadal Council, did not come into operation till the fifteenth day of Michaelmas term.

MR. SPEAKER said, it was not competent for the House to entertain the right hon. Gentleman's Amendment, inasmuch as it sought to alter a part of the Bill which the Lords' Amendments did not touch.

THE CHANCELLOR OF THE EXCHEQUER said, it was true that the "fourteenth" had not been altered by the House of Lords; but the whole effect of the clause and of the word "fourteenth" had been altered by the alteration which the Lords had made. He would, therefore, submit that this was a case in which the whole difficulty arose from the Amendment of the House of Lords.

MR. SPEAKER said, unfortunately the word "fourteenth" preceded the Amendment of the Lords, to which the House was now asked to agree.

On the suggestion of Lord JOHN RUSSEL, a verbal alteration was made in the Lords' Amendment by which the difficulty was avoided.

On the Lords' Amendments to the clause relating to the sectional election of the Hebdomadal Board,

MR. WALPOLE said, that he thought the Lords' Amendment, under this head, could not be adopted. One of the most important questions contained in this Bill was that relating to the constitution of the government of the University. Now, up to the time when this Bill was introduced, the constitution of the government of the University consisted of a Hebdomadal Board principally composed of the heads of colleges or halls. There were objections to such a constitution, and the principal objections were, as he had always understood them, that this constitution was too exclusive in its character, that it was confined to men who had been elected to the heads of their separate colleges or halls, possibly for special or peculiar purposes, and that the University, therefore, was not sufficiently represented in the government of its affairs by persons so elected by the colleges and halls. The Government, therefore, proposed to alter this constitution, and they had two modes in which, he thought, they could have done it. Either they might have altered the constitution of the University by giving to the University the fullest power to frame a more liberal constitution for itself; or, they might have undertaken through the advice of Parliament to pass a law which should impose upon the University a new constitution of a more liberal character. Now, the Government did neither one nor the other of these two things. The Bill as introduced into that House proposed a new constitution in which there were to be three classes of persons at the head of the government of the University; the one class consisting of the heads of houses or of halls, the other class consisting of professors, and the third of members of Convocation. This threefold classification, he thought, was a very wise one, for it brought the three interests into play in the government of the University—the heads of houses representing the colleges, the professors representing the professorial element, and the members of Convocation representing, more or less, the University at large. But, when the proposition, as originally introduced, went on to say that these three classes composing the government were all to be elected by one constituent body, it was necessary to ascertain of what that constituent body was composed before you could determine whether you were giving a more liberal government to the University or not. The constituent body created by the Bill, as originally introduced, was the Congregation, consisting of resident members of the University, and was of a more limited nature than that which was now proposed. At first the constituent body did not exceed 150 persons; and as now proposed it would not exceed 250 members of the University. You were, therefore, going to intrust to 250 men the power of selecting the governing body of the University, when the whole of the members—the graduated members—of the University amounted to little fewer, probably to more, than 3,000. But the Congregation, or the constituent body, in whom you had invested now the power of selecting the governing body of the University, was composed of men who might, and who, as he was informed, would probably represent a peculiar and special class of opinions in the University to the detriment of the University at large, and in a manner which was not consistent with the wishes of the great majority of the graduated members of the University. Now, when you had once attempted to give a more liberal government to the University, your representative system ought either to have been put upon a much larger basis, or you ought to have taken security that the members composing the governing body were not confined to the representatives of one class of opinions, but that you should get in the governing body every class and every interest of which the University was composed. It was for that reason, and for that reason mainly, though not wholly, that he had proposed, when the House was last in Committee upon this Bill, that the different classes so constituted, and composing the governing body of the University, should elect themselves—that the heads of houses should be elected by heads of houses, the professors by professors, and the members of Convocation by Convocation. If that plan had been carried out, you would, in the first instance, have made your constituent body for each of these classes the best judges of the persons to represent that class; and, in the second place, you would have had the heads of houses electing heads of houses, and, as they were all elected heads of houses by their separate colleges, you would indirectly, if not directly, have brought to bear the feelings and the wishes of the University at large upon the governing body whom you had so appointed and constituted. The same might be said of the professorial element. You would have intrusted to professors the selection of members of their own body, and would thus have had men chosen who were best calculated to represent the professorial element in the University. That was the reason for the alteration which he had proposed when the Bill was in Committee, and that was the reason why that alteration had been sanctioned by the House. But the House of Lords had now altered back the Bill. It had made a representative system based upon the constituency of 250 men only, representing, or likely to represent, a particular class of opinions. Consequently you would have at the head of the University a governing body which might be in conflict with the members of that University; and then he should like to know how the affairs of the University could be conducted with harmony or with profit? But was this all? If you reverted to congregational election you had absolutely now, as your Bill was drawn, deprived the members of the University at large of all voice in the legislation of the University, except so far as that legislation might be conducted by, and might be agreeable to, this new and small oligarchy of the Congregation which you are founding in the University. The Congregation would elect their own delegates; those delegates would constitute the governing body, and make their own laws; and if a larger influence were brought to bear on them through Congregation they would never allow it to succeed. He appealed, therefore, to the noble Lord (Lord J. Russell) whether the Amendment was one which he could sanction? The noble Lord, in liberalising the system, had placed it on a smaller basis, and one which, with reference to ecclesiastical and religious opinions, would be looked upon with great suspicion by the University at large. If he were to address the noble Lord by an *argumentum ad personam,* he would ask him whether, in reforming municipal institutions some fifteen years ago, he would have been content to leave the election of the members of corporations to one-tenth of their body? or when proposing the Reform Bill, would the noble Lord have consented to limit the parliamentary constituency to the municipal body? That, however, was what the noble Lord was doing by this Bill. The result would be a body not in harmony with the University, and the Bill would fail because they had not adhered to the principle of sectional election, by means of which every class in the University would have been much better represented than they would be under the Amendment made by the Lords. He begged, therefore, to move that the House disagree with the Amendment made by the Lords in this clause.

LORD JOHN RUSSELL said, it was his opinion that the House ought not to concur in the Amendment proposed by the right hon. Member. He could not think that the right hon. Gentleman had stated the proposition of the House of Lords fairly, as compared with his own proposed constitution. If it had been proposed that there should be a very large body to intervene between the constituent body and the Hebdomadal Council, there might have been some plausibility in the argument which the right hon. Gentleman had used; and he thought that even then the argument with respect to municipal councils would have been defective. What the right hon. Gentleman proposed was, that instead of 250, which the House of Lords had made to be the number of electors, two-thirds of the whole of the Hebdomadal Council should be elected by about fifty-five persons. The right hon. Gentleman, having proposed that these fifty-five persons should have the nomination and election of two-thirds of the Hebdomadal Council, complained very much that this was a very restricted and narrow body, and called it an oligarchy. If it were a question of oligarchy, he could not but think that the proposed arrangement with respect to the heads of colleges would be more entitled to that designation than the one proposed by the House of Lords. He believed the body now proposed would be well suited for the purpose, because it was composed of persons conversant with the duties which it would have to perform. He thought that with respect to the case of small towns, referred to by the right hon. Member, having, for instance, not more than 500 ratepayers, it would not be an improvement to add to them for municipal purposes the inhabitants of adjoining towns, in order to increase the number of electors. Such a plan would not necessarily be an improvement, because it would not secure that the larger body would feel so deep an interest in, or be so conversant with the wants of the town, as the smaller resident governing body. He thought the House of Lords had acted with great wisdom in making this Amendment, and he hoped the House would agree to the alteration.

MR. HENLEY said, he did not think the noble Lord was justified in casting upon his right hon. Friend (Mr. Walpole) the imputation of wishing to narrow the constituency in the University. As the Bill stood the new governing body at Oxford would, in reality, be chosen by 125 or 126 gentlemen. [The CHANCELLOR of the EXCHEQUER: No, no!] Such would unquestionably be the case, inasmuch as the whole number of residents would amount to only 250, and of that number 126 would constitute the majority, into whose hands the whole power to deal with the affairs of the University would be transferred. He, for one, was by no means favourable to the government of an oligarchy, and he felt assured that the noble Lord would find that 120 or 130 gentlemen who entertained particular views would naturally associate together, and select such persons as they thought held opinions in accordance with those views. He could not believe that such a body would, in the long run, be found to work as well as one composed of different elements. He could not sit down without seizing the opportunity of adverting to a most unfounded charge which had been made in another place, to the effect that arrangements had been entered into among the heads of houses to elect by seniority. So much surprised had he been at learning that such a statement had been made, that he had instituted inquiries as to its accuracy, in a quarter upon whose testimony he could rely, and he had been assured, that it not only was not true, but that the question of election by seniority had never been agitated among the heads of houses.

SIR WILLIAM HEATHCOTE said, it appeared to him that the two right hon. Gentlemen had set out with the most mistaken principles in the view they took of this Amendment. The right hon. Gentleman the Member for Midhurst (Mr. Walpole) regarded it as most desirable that the three sections of the Hebdomadal Council should be so elected as to be representatives, and to be chosen especially as representatives, of certain sections, and should be considered valuable principally in that capacity. Now, he thought this was precisely the reason why the Lords' Amendment was desirable. It would be extremely mischievous if the three sections of the Hebdomadal Council were sent there as deputies of any particular set of electors. The object of the enactment as originally framed and as it now stood was merely this—that the Hebdomadal Council should consist of men who were qualified in a somewhat different manner, and habituated to different trains of thought and different associations; and this you effected by requiring that it should be composed of different classes of men. But that they should be sent there in the antagonism which would result from their being the deputies of these different classes was a thing very much to be avoided. The right hon. Gentleman's fear that the residents of Oxford were likely to elect persons who would fall into any particular class of opinions, so as to come into antagonism with Convocation at large, was, he believed, unfounded. What you did by selecting Congregation was to take men who were a fair epitome of Convocation at large and who represented the views of Convocation—men habituated to watch the daily wants of the University, and who knew what sort of legislation it required. Congregation would be more likely than Convocation was to select men who would apply their minds to exactly what the circumstances of the University required, and who would provide measures which Convocation itself would be likely to approve. For these reasons he greatly preferred the Bill as it had come down from the House of Lords, and should certainly support their Lordships' Amendments.

MR. HEYWOOD said, that as one who had voted with the right hon. Gentleman opposite (Mr. Walpole) before on this subject, he wished to explain the reason why he should now be quite willing to concur with the Lords' Amendment. Since the time when the right hon. Gentleman proposed his Amendment this House and the other House of Parliament had agreed to retain clauses which he looked upon as a very great improvement, and which had opened the University of Oxford to the nation, so that now this legislative body in the University was no longer a body for the education of members of the Church of England only, but one which had charge of the education of students of all religious denominations. This made a very great change, and there would in future be such a force of public opinion brought to bear upon the University that even if, at first, their elections were not so good as could be wished, it would be impossible for them to resist public opinion in the long run. It appeared to him the more generous plan to place confidence in the University, and to give to it the constitution which was most desired by its Members.

MR. WIGRAM said, he did not at all fear the antagonism which had been alluded to by the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote), but he was afraid that if the governing body were to be elected by the same class of persons, it would consist of individuals acting upon the same principles and holding the same views, so that the advantage usually derived from discussion would not exist. The subject had been most seriously considered by the Tutors' Association, and they had published their views in a pamphlet which, he believed, had been very widely circulated. The opinion of that body was decidedly favourable to the sectional mode of election, which had formerly been adopted by that House, and at the University which he had the honour of representing the same opinion prevailed, and to such an extent that a scheme for altering the constitution of that University had been drawn up on that principle. There was the great advantage in having a governing body chosen by different classes, that different views would be advocated by different members of it, and discussion being thus occasioned would lead to more satisfactory results than if all the members of the governing body were actuated by the same views; he therefore trusted that the Lords' Amendment would not be agreed to by that House.

MR. NEWDEGATE said, he felt very much surprised at the decision of the House of Lords upon the question under the notice of the House, and he very much regretted that they had deemed it to be their duty to assent to such an Amendment as they had introduced. It was his belief that the Amendment introduced by the House of Lords would act as a lock upon the freedom of the University, and would tend ultimately to destroy its high character. It might be very convenient for the noble Lord the President of the Council to narrow down the question, and to say that the mode of election which the Bill as it stood proposed was more popular than the sectional mode of election. Surely the noble Lord could not have forgotten the reasons which caused the sectional mode of election to be sanctioned by that House. Under the old state of things prevailing at the University, the Hebdomadal Board was an independent authority—independent alike of the residents and of Convocation. For a long series of years that body had performed the duties committed to its charge in a manner which reflected upon it the highest credit. It was all very well for noble Lords to run down the heads of houses, but they it was who had been the barriers to the ambitious designs of a section in the University. A right rev. Prelate in another place (the Bishop of Oxford) seemed to participate in the desire to run down the authority of the heads of houses, but he (Mr. Newdegate) could only say that those heads of houses had for 100 years most efficiently carried on the government of the University. One step had already been taken to cripple the action of Convocation by the interposition of Congregation, and now they were asked to give to that latter body the absolute power to create the Hebdomadal Council at its pleasure. When the measure was spoken of as a liberal measure, it ought to be borne in mind that it was but another clog upon the free action of the University. They were about to render the real governing body of the University more like a borough council, and less like the constitution of that House—they were about to make it, perhaps more academical, but less national. He was unwilling to let the discussion close without adverting to what had occurred in another place, in connection with the Amendment which had been there introduced, and whose merits they were then discussing. That Amendment had been moved by a noble Lord (Lord Ward), whose contemporary he had been at the University. Lord Ward was, no doubt, a man of great ability; but he (Mr. Newdegate) must protest against its being supposed that the noble Lord represented the opinions of his contemporaries at Oxford. The noble Lord rather represented the discontented portion of the University. But to return to the question immediately before them, what was it they were about to effect? The Hebdomadal Board had opposed Tractarianism at the University; but they were about to destroy the last vestige of its corporate existence. Convocation had resisted Tractarianism; but they were about to double-lock the power of Convocation, by placing the initiative in the hands of men whom they proposed to constitute the rivals of Convocation, and were thus prepared to strike a blow against both the authorities which were opposed to Tractarianism, while they proposed to invest with great power that party among whom it dwelt. He trusted, however, that the Protestant Dissenters in that House would not be a party to any measure which should hand over nearly the whole authority in the University into the grasp of a faction; and that they would not give their consent to give up the Church of England, bound hand and foot, to the domination of a body which had done more to endanger her position in public estimation than any other body which had ever taken part in the government of the University.

Motion made, and Question put,

"That this House doth agree with The Lords in the Amendment in page 2, lines 36 and 37, which Amendment was to leave out the words 'to be elected from among themselves by such Heads of Colleges or Halls.'"

The House *divided*:—Ayes 115; Noes 62: Majority 53.

MR. WIGRAM said, he wished to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the words which were proposed to be added to the 15th clause. The clause itself provided that the Vice Chancellor should make a register of Congregation, and the effect of the proposed words would be to render the register conclusive. He thought it was desirable that persons should be allowed to object to the register, and, if necessary to appeal from the decision of the Vice Chancellor.

THE CHANCELLOR OF THE EXCHEQUER said, he did not think there was any reason for disagreeing with the Lords' Amendment. Any well-informed resident in Oxford would be able to make out the register with tolerable accuracy, and the Vice Chancellor would have no difficulty in discharging the duty with substantial justice. There was no fear of exclusion to any serious amount, nor was there, in his opinion, the slightest danger of partiality, or favouritism, or neglect.

MR. WIGRAM said, if the right hon. Gentleman was satisfied with the Amendment, he would not attempt to alter it.

Amendment *agreed to*.

The next Amendment considered was

that made in the 31st clause, empowering the colleges to make ordination "for the consolidation of fellowships, and for the conversion of fellowships attached to schools into scholarships or exhibitions so attached."

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment was a very necessary and material improvement; but having been introduced in the Lords for a specific purpose, it had been thought upon consideration to be exclusive of other objects which were obviously desirable. In the Bill, as it went up to the Lords, it was considered and assumed, whether too hastily or not, that the consolidation and conversion of college emoluments might be effected under the general powers of the colleges, subject to the restraints provided by the Bill; but in the Lords it was thought fit to insert words, first of all providing for the consolidation of fellowships, and secondly, providing for the conversion of fellowships in certain cases, namely, in cases in which they were attached to schools. Now, it might be desirable to consolidate fellowships; but it was quite clear that it was even more desirable and requisite to consolidate other emoluments, because with respect to other emoluments, and especially to exhibitions, there were a considerable number which were so insignificant in amount that they were of no reasonable value whatever, and it was necessary to put them together in order to derive any good or profit from them. He therefore proposed, that being an object which had always been contemplated, to substitute for the word "fellowships" the word "emoluments," which would cover exhibitions and other classes of endowments as well as fellowships. But, besides the consolidation, it was likewise very desirable to provide in certain cases for the division of fellowships. There were one or two cases in the University in which the incomes of particular fellowships were so large, relatively to the general standard, that, although he did not assume they ought to be divided, he thought the Commissioners should have the power of considering that subject. The words introduced by the Lords, which empowered the colleges and the Commissioners to convert fellowships attached to schools, would possibly have the effect of preventing the conversion of fellowships in any case except that in which they were attached to schools. He considered that it was of the greatest importance that power should be given to convert fellowships into scholarships in cases other than those in which they were attached to schools. The words were introduced by the Lords with a particular view—namely, to satisfy those who were interested in schools, by giving them compensation, in case of opening a portion of the emoluments to which they had now an exclusive right, in the shape of scholarships and exhibitions. But the words, as they at present stood, would prevent the conversion of fellowships in other cases, and, therefore, it seemed wise to enlarge them in such a way as to embrace all the cases which might be desirable. He could not help mentioning also that a conversion of this description—of superior into inferior emoluments—was a mode of reform eminently in conformity with the views of the founders, because it was clear, from the Statutes of the colleges, that when the founders provided for the maintenance of fellows, they meant by "fellows" very much what were meant now by scholars and exhibitioners. They were persons who were to be students, and who, in point of fact, in a great many instances, were designated not by the word "*socii*," but by the word "*scholares*," in the Statutes themselves. He proposed, therefore, to take out the words introduced by the Lords, and to insert the following—

> "For the consolidation, division, or conversion of emoluments, including therein the conversion of fellowships attached to schools into scholarships or exhibitions so attached, and of fellowships otherwise limited into scholarships or exhibitions, and either subject or not to any similar or modified limitations."

Amendment *agreed to.*

The next Lords' Amendment read by the clerk was that excepting fellowships or studentships from the operation of the 34th clause, which preserves the right of preference belonging to schools.

MR. ROUNDELL PALMER said, he should move that the House disagree with this Amendment of the Lords. A great part of the most important endowments of the best schools in the kingdom consisted of University emoluments in the shape of fellowships, scholarships, and exhibitions. Now the present Bill was not founded upon any inquiry into the interests of these schools. The colleges, in the exercise of the power given to them were bound to consider the interests of the colleges as places of education alone, and if they dissented from anything proposed by the Commissioners, they could only do so on the ground that it would be prejudicial, not to the interests of the schools connected with them, but to the colleges as places of education. For that reason, and to prevent emoluments being taken away from the schools for considerations unconnected with the interests of the schools, the House, at his recommendation, agreed to the 34th clause in the Bill, which referred to the governing body of each school, not only the questions relating to the endowments in which it was interested in the University, but the general questions of the abolition of any particular right of preference to which the school might be entitled. Now there could be no reason why they should except fellowships from the operation of that clause. The only plausible arguments which had been adduced in favour of that exception were founded upon an entire misunderstanding, if not misrepresentation, of the effect and object of the clause in question. It had been urged by the hon. Member for Kidderminster (Mr. Lowe) that the clause in effect said that nothing should be done with the fellowships attached to schools without the consent of the governing bodies of the schools. There could not be a more complete misrepresentation of the effect of the clause; and an explanation of its true object and effect would serve as a full answer to another argument which had been used, namely, that it was of the greatest importance to the colleges to have these fellowships, offices of government and teaching, filled with persons of high qualifications. The clause did not in the least degree interfere with that, nor did it refer to the veto of the governing bodies of the schools any regulation which might be proposed for that purpose. It would be in the power of the colleges or the Commissioners in any case to establish as an indispensable condition of election to a fellowship, upon the ground of preference, any qualification soever which might be thought necessary to secure the election of a person of competent attainments and learning. Take the case of Pembroke College, which had been urged as showing the necessity of the Lords' Amendment upon the clause. Pembroke College was connected with a school never large, and now, he believed, incapable of supplying candidates of sufficient merit to fill the vacancies in the fellowships and scholarships which attached it to the college. Was it necessary, in order to remedy that evil, that they should say, when Abingdon School could send a fit person to be elected to a scholarship upon that foundation, and when that person exerted himself in the University, and, after a meritorious career as an undergraduate, showed himself well qualified for a fellowship, that he should not be elected to the fellowship, but should be exposed to a general competition, and, perhaps, rejected as unworthy of the office, only because some one might possibly come forward more able and more distinguished than himself? It was quite clear that could not be necessary for any legitimate purpose of the college. What was really necessary was, that the college should have the power of establishing an adequate standard of merit, and excluding any one who claimed on the ground of school preference, but who did not come up to that standard, and then, if necessary, throwing open the office to general competition. Now, under the 34th clause in the Bill, it would be competent for the college, without interference on the part of the governors of the school, to say that no one from the school should be elected to a fellowship unless he took a second-class, or even a first-class honour, if that were thought to be the proper standard; and therefore it was the idlest thing in the world to say that the clause, as that House passed it, took from the college, or the Commissioners, the power of establishing such tests of merit in successions to fellowships of the favoured class as would be necessary for any proper or legitimate purpose of the college. The only thing that could not be done under the clause was to abolish absolutely, the right of preference, without the consent of the school. It had also been said that scholarships and exhibitions were favourable to the schools, while fellowships were favourable to the colleges. There could not be a greater fallacy than that. No man could pretend to say that a scholarship held for one or two years would be of equal value to a fellowship, which might be held for life. The truth was, that the supporters of the Lords' Amendment confounded one abuse, which might easily be rectified, with the thing itself, and had consequently applied the remedy of destruction instead of that of reformation. There could be no doubt that there were some evils connected with the present system; but power was given by the clause to remedy them. One mode was that of requiring the claimants to take University honours, and that was a sufficient answer to the objection that they could not, under the present clause, apply any stimulants;

but they might, in addition, renew the competition after a certain time, throwing it open, if necessary, to the members of other colleges, who had been at the same school. No reason, however, could be shown for taking away the right of preference altogether. The case of the Merchant Taylors' School was a very strong one. The present head master, a competent and liberal-minded man, had expressed, in the most forcible manner, his conviction that the school was so dependent upon the particular endowment in St. John's College, and upon the special value which that endowment derived from the circumstance, that any meritorious young man elected by merit to St. John's, and continuing meritorious and satisfying any standard established there, would keep his fellowship for life—that he delivered the difference in value between a scholarship tenable for three years, and a fellowship tenable, subject to proper tests of merit, for life, was such, that the very existence of the school was involved in it. Winchester School might possibly be in the same position, and he was certain that the interests of New College would not at all be served by throwing open to general competition its senior fellowships, less valuable than any other in the University, although the *esprit de corps* would always give a particular value in the eyes of Winchester men. He hoped the House would not forget that this question derived great importance from the manner in which the three greatest schools concerned in it were affected. It so happened that in New College, St. John's, and Christ Church, where preferences in favour of Winchester School, Merchant Taylors' School, and Westminster School existed, there were no scholarships at all—they were all fellowships; and so they were by the Lords' Amendment entirely depriving those three great schools of the whole benefit of the protection given by the clause. It was true there was a proviso added to the clause, to the effect that the colleges or Commissioners, if they thought fit, might divide the fellowships into two classes, senior and junior, and that the senior only should be held to be fellowships within the meaning of the clause; but that was no protection whatever, because it made the whole matter depend upon an act to be done under the exercise of the uncontrolled power of the Commissioners, who might refer a large portion of the fellowships to the senior division. The Lords' Amendment, in short, was a simple alienation and abstraction from the schools of the largest and most important portion of their emoluments, and he trusted the House would support him in rejecting it.

MR. PRICE was understood to say that the heads of Pembroke College did not view the Amendments introduced by the House of Lords in an unfavourable light.

MR. HENLEY said, he had no doubt that the heads of Pembroke College would be glad to sweep away Abingdon School body and bone. He was glad his hon. and learned Friend (Mr. R. Palmer) had taken the course he had in giving those who agreed with him an opportunity of recording their opinions and sentiments on this clause. It certainly was a very strange alteration to be made by the House of Lords. That assembly had now consecrated the opinion that it was right to disregard the possession of a privilege for 300 years, and that the rule was henceforth to be *detur digniori*. That was, he considered, a very dangerous principle for the House of Lords to establish, and one on which he doubted very much whether they would like to hold their peerages. If endowments which had been enjoyed by certain persons for 300 years were to be set aside simply because it was thought that others more worthy ought to possess them, they might depend upon it that that was a principle which would not long remain unapplied in another direction; and that many who were now living would see it carried to an extent they at the present moment little contemplated. It would be fortunate, indeed, if none of those Gentlemen who called themselves Reformers, but who really desired change at any cost, should propose to apply the principle to the privilege of sitting in the House of Lords. The objection to the limited number of scholars among whom these scholarships and fellowships were to be given appeared to him to be perfectly groundless. Just in proportion as the area was small, just in that proportion was the privilege valuable to those who enjoyed it. If they chose to rob these schools (for that was the right word) of this property given to them hundreds of years ago, and to assign it to others, simply on the ground that those others were more worthy to enjoy it, it was, of course, in their power to do so; but it would nevertheless be a gross act of robbery, and it could be called nothing else, and that was the real principle of this clause of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, a noble Lord once, being indignant at the conduct of a small portion of the assembly he was addressing, threatened them that if they voted in a particular sense they would be called in a short time to vacate their seats. The right hon. Gentleman (Mr. Henley) did not, in the very extraordinary language he had used, limit the threat to that minute and insignificant portion of the assembly, but said quite distinctly, if the House of Lords chose to rob and plunder, as they had done by the clause in this Bill, they must prepare to yield their places. The right hon. Gentleman, himself a distinguished Conservative orator, who was rather supposed to hold with tenacity smaller institutions of the country, did not hesitate, with hyper-Papal authority, to say to the House of Lords, "If you vote otherwise than I think right, you must be prepared to have your powers and privileges taken away from you." Now, he (the Chancellor of the Exchequer) ventured to state that the House of Lords, by the vote it had given on this occasion, had done nothing to weaken, but everything to strengthen, itself in public opinion. And, moreover, after giving at least as much attention to the subject as the right hon. Gentleman, he would venture to state that the Amendment sent down by the House of Lords was not an Amendment in favour of robbery and plunder, but was an Amendment in favour alike of moral and intellectual excellence as against ignorance and abuse. His hon. and learned Friend (Mr. Roundell Palmer) had discussed this question with great temper and moderation, and he confessed he felt great regret that his hon. and learned Friend was not satisfied with the victories he had already obtained, for he had already succeeded in inducing this and the other House of Parliament to invest bodies for the most part utterly incompetent with an absolute power of stepping in between Parliament, between the Commissioners, between the Privy Council, and the work of legislation, and of saying, "We do not care one pin for public interests, for the interests of learning, for promoting the diffusion of the streams of learning over the land; we look at this locality, and as, in our opinion, this locality is to suffer by the change you meditate, we say no, and forbid you to proceed." Well, the House of Lords had submitted to the pleasure of his hon. and learned Friend, so far as regarded all scholarships and all exhibitions connected with the University of Oxford. All that the House of Lords had done was this—they had claimed, not to throw open all these fellowships, but to give impartial and dispassionate parties a power of considering, upon larger and more general grounds than the corporation of Abingdon, for instance, would consider, whether these endowments should be continued. The hon. and learned Gentleman proceeded on the assumption, though he did not use the phrase, that both the Privy Council and the Commission—composed of the Earl of Harrowby, the Earl of Ellesmere, the Bishop of Ripon, and so forth—were a set of men totally incapable of discerning and of estimating the fair claims of these schools, and of allowing to those fair claims everything that was just and reasonable. It was the duty of the Commissioners to consider and weigh fairly all claims not overriding local interests and local rights, but estimating together the bearing one on another of certain local with larger and more general rights, and to consider the ultimate benefits to accrue from the course they might adopt. Those were the duties to be committed to the hands of the Commissioners; but his hon. and learned Friend said he was not satisfied with that, and that the corporation of Abingdon, being the best judges, should have the power to interpose with an absolute veto. Long before the Bill assumed its present form it contained the principle of compensation to these schools. The Government never proposed, with regard to exhibitions, that the privileges should be taken away. They were to pass under review, but all limitations were to be retained with regard to them, and in order to prevent the supposition that it was intended to sweep away these endowments irrespective of the rights of the schools, it was provided that fellowships limited might be converted into scholarships or exhibitions similarly limited. That was distinct proof that it was not intended to proceed on the abstract principle—the abstract principle, so excellent, against which the right hon. Gentleman (Mr. Henley) had directed his powers of ridicule, of giving to the best man these advantages of the University. The Government did not intend to give scope even to that principle, but to provide the best machinery to satisfy every local claim. Was it true that these endowments now existed in such a form as would be most beneficial to these parties themselves? He said, on the contrary, and to a very great extent, they existed in such a form that immense resources were wasted in producing an amount of local encouragement hardly perceptible. He would take a particular case, which would exhibit the matter simply. Let the House suppose that a school had a right of preference to three fellowships of 200*l.* a year each. That would represent a property of 600*l.* a year; but if the average tenure of those fellowships was fifteen years—which was somewhere about the usual tenure—it followed there would be only one opening once in every five years. That opening afforded a perfectly ineffective stimulus to the school; but supposing the Commissioners converted one of those fellowships into five exhibitions of 40*l.* a year, each tenable for five years, then there would be an exhibition available every year in the school, instead of a fellowship once in five years. He, therefore, put it to the House whether that would not give very much greater encouragement, at an expense of 200*l.*, than the three fellowships at the expense of 600*l.* a year? And, therefore, he said that, in numbers of these schools, arrangements might be made which, augmenting the amount of local interests, would leave a large overplus for the benefit of general education. He asked the House to do—what? Not by a sweeping clause to declare that these privileges should be taken away, but to submit these matters to impartial persons in high stations, being worthy of the confidence of the House, to make the best arrangement they could after full examination of the case. If the Commission failed, they allowed them to go before the Privy Council, where there would be a hearing from parties acting judicially; and if the Privy Council failed, they might come down to that House, where his hon. and learned Friend (Mr. R. Palmer), with all his Winchester associates at his back, would be ready enough to ask sympathy, and find ability enough to command it, to induce the House to prevent the recommendations of the Commissioners becoming law. These matters having been so much discussed, he would not go at any length into them, but he wished to point out to his hon. and learned Friend that he was not entitled to the honour and pride of declaring himself in that House the preserver of the wills and intentions of the founders. The wills of the founders declared certain local preferences, and if it was mere sacredness of situation that they were talking about, why not preserve the rights and the claims of the Channel Islands, of Wales, of the diocese of Lincoln, of the diocese of Exeter, and all the rest? They did nothing of the sort, and was it unjust to apply to schools the same principle they applied to counties? The intentions of the founders were exactly parallel. The only difference was, that in the one case there were persons ready to raise a great disturbance, and in the other there was no organisation—no means of raising clamour. So with regard to founders' intentions altogether. He should like to know in what case (where the founder had enacted anything inconvenient to anybody) his intentions had been allowed to stand in the way of putting that obstacle aside? And he should like, also, to know in what case it was possible to urge the founders' intentions against useful reform, intended for the interests of the public? The fact was, the Government were those who were giving effect to the intentions of the founders. Many of those founders were men of enlightened minds. The intention of William of Wykeham was to establish the best college at Oxford, to make it distinguished among others by its intellectual and moral excellence, and he trusted to a most elaborate system of control, examination, and mutual supervision. The force of those Statutes died out, and what was the case in that was the case in these close colleges generally. Did they fulfil the intentions of the founders? Could it be said that any of these close colleges were superior to the other colleges in Oxford? He thought not. He said it was the intention of William of Wykeham to have a superior college, but by circumstances his college had become entirely inferior. And when it was endeavoured to infuse into it the breath of new life, they came and talked of founders' intentions. These were the founders' intentions—to have the best college which legislation and human wisdom could obtain, and he hoped by this Bill and the Amendment of the House of Lords to give effect to the founders' intentions in that respect. Though he attached great importance to the specialties of the two Universities, with respect to this particular question, the general principle would apply also to Cambridge. There was no question about that, and it was admitted, also, that the object of the interference of Parliament in this matter of University education was to open and enlarge the Universities, not to narrow and restrain them. In Cambridge he did not know how, but, in fact, this very thing was done which the Lords' Amendments gave power to do, with respect to one of the greatest and most distinguished colleges in that University. Trinity College had taken away from the Westminster scholars the absolute right to succeed to fellowships. That had been done without the intervention of Parliament; and now that Parliament was appealed to to facilitate the work of reform, that work would not be assisted, if, to use a term which had become fashionable during the discussion on this measure, they allowed themselves to be deluded by his hon. and learned Friend. If the House adopted the clause of his hon. and learned Friend, it would be impossible to effect for King's College at Cambridge, which was connected with Eton, the very thing which, without the aid of Parliament, Trinity College had effected with regard to Westminster. No doubt the rights in question varied in every possible way. No doubt there were special cases where the object of the founder was almost exclusively his interest in the school, whilst there were a multitude of other cases where his interest was in the college. With regard to Winchester, he thought his hon. and learned Friend fundamentally misrepresented the case when he said New College was made for Winchester, and that if he read the Statutes he would see Winchester was made for New College. [Mr. R. PALMER: Both were made for each other.] Now, he thought the welfare of New College was the main object in the mind of William of Wykeham, and that he treated Winchester as a mere appendage. It was because of these many shades and varieties of interest that Parliament should refer the cases for review to an intelligent competent tribunal, in order to deal fairly by these parties. He was quite satisfied his hon. and learned Friend would not succeed in inducing the House to adopt his Amendment. It was quite true the House had twice voted in its favour, but by very different majorities, and the more light that was thrown on this question the more impossible would it be to induce the representatives of the people in this country to set themselves against the House of Lords in a case where the House of Lords had been voting on large views of public and general interests, and where the interests arrayed against them were, to describe them in the kindest manner, interests of personal and local feeling.

SIR WILLIAM HEATHCOTE said, he thought that the right hon. Gentleman the Chancellor of the Exchequer had shown in his last, as in his former speeches upon this subject, something very much resembling the eagerness of a partisan, as well as considerable unfairness of argument. The right hon. Gentleman said that the opponents of the Amendment ought to be satisfied, because the tribunal which would have to carry the Amendment into effect was an impartial one. That, however, was assuming the question whether the powers given by the Amendment ought or ought not to be conferred upon the Commissioners. Those who took the same view of the question as he did might consistently refuse to grant a particular power to a tribunal without objecting to the composition of the tribunal. The Chancellor of the Exchequer also adverted to the advantages which would result from converting fellowships into exhibitions, but the House was aware that that could be done under another clause of the Bill. The right hon. Gentleman had likewise dwelt on the advantages of framing regulations for making the fellowships more available for learning in the University, but all those regulations could be made by the clause of his hon. and learned Friend (Mr. Roundell Palmer), without the Amendment of the House of Lords. The right hon. Gentleman had alluded to New College and Winchester School, and said that that college was not constructed for Winchester School alone. It was true it was not like the case of Abingdon School and Pembroke College, where the latter grew out of the former; but it could be seen from every part of the Statutes that the founder designed to build up a college on the school at Winchester, and it would be a complete overthrow of those intentions if they were to deprive the college of all connection with the school. It would be no answer to say a larger scheme of education was proposed; for if a school was founded with particular views for a particular class, Parliament could have no right to accept the gift, and then appropriate it in a way as different as possible from the intentions of the founder. He should certainly enter his protest against any attempt to overrule the decided and sufficient opinion already given by the House upon this subject.

MR. G. E. H. VERNON said, that as he was one of those who had voted with the majority on the first occasion against the Government proposition, and in the minority on the second, against his hon. and learned Friend the Member for Plymouth, he trusted the House would allow him to say a few words in justification of the course which he had thought it his duty to pursue. The first vote, be it remembered, involved the question whether the interests and rights of schools were to be absolutely set aside and ignored by the operation of this Bill. Now he (Mr. Vernon) entertained as strongly as did the hon. and learned Gentleman opposite the feeling that they had no right, while they were legislating for the good of the University, to throw out of their consideration the almost equal claims of the endowed schools. Even assuming, which it was perhaps fair to assume, that the schools did not in all cases perform the functions which they were intended to perform as adequately as might be desired — even granting that some of them did not furnish the best scholars to the University—he still maintained that they had no right, in a Bill which exclusively affected Oxford University, to put in the power of the Commissioners and of the University authorities, whose main object might be presumed to be the credit of the University itself, the fortunes of these various endowed schools. Well, the Government were beaten on that occasion. The rights of the schools were vindicated. Then arose the question whether they were to carry out the principle of school immunity from control to what he believed would be an unfair and mischievous extent? In the endeavour to reform the University they had not adhered strictly and exclusively to the actual terms of the expressed wishes of the founders, but only so far as those wishes could be maintained with due regard to existing and altered circumstances. It was impossible to carry out to the letter all the wills of the founders. They had endeavoured, in the efforts to improve the constitution of the University, to respect the main intentions of the founders with scrupulous, but not slavish, attention. Must they not, then, in some degree, carry out the same principle in reference to the relation of the schools with the University? In the modified proposition of the Government which he had supported, and which, though rejected by that House, had been restored to the Bill in another place, it was proposed to maintain the privileges of the schools in almost all instances with regard to exhibitions and scholarships—to leave, in fact, the position of undergraduates unassailed and untouched—but it was considered fair, after the expiration of some four or five or six years of their tutelage, to look to the efficiency and merit of the scholars as members of the University. Their career was, as now, to be assisted in its outset—they were to be fully and fairly launched—but they were not to be permitted to have an indefeasible right to a perpetual monopoly of college emoluments, independent of distinctions of fitness and of merit, simply because they proceeded from this or that particular school. He was one of those who regarded with great confidence the Commissioners selected by Her Majesty's Government. He likewise approved of the various checks imposed upon the exercise of their authority. He was perfectly certain nothing would be ordered by those Commissioners, in a sense either unfair or severe, with reference to these schools; and he thought it the duty of the House to reflect before placing a power of veto either in the corporation of Abingdon, or even the school to which he was more particularly attached, that of Westminster. With regard to the allusion of the Chancellor of the Exchequer to Trinity College, Cambridge, and Westminster School, the right hon. Gentleman was completely in error, as the Westminster scholars never had the power of taking fellowships—it was a pure question of examination.

SIR JOHN PAKINGTON said, he had listened to the hon. Gentleman's explanation of the contradictory votes he had given, and must say—with all possible respect for the hon. Gentleman—that he never heard anything more hollow, inconsistent, and unsatisfactory. In the first instance, the hon. Gentleman had voted for the Motion of the hon. and learned Member for Plymouth (Mr. Roundell Palmer); and secondly, against it, because he was not prepared to carry the principle to an extreme extent. He should like to know how the hon. Gentleman expected men of sense to believe that, when he gave his first vote, he did not vote for that which by his second vote he negatived. The question had been fully argued, everything which could be said about it had been said, and therefore he would not have said a word on this occasion, had it not been for some expressions which had fallen from the Chancellor of the Exchequer. The right hon. Gentleman said, that the Lords' Amendment was in favour of moral and intellectual excellence against ignorance and abuse. From that description of the Amendment he altogether dissented, but at any rate, the Chancellor of the Exchequer was the last person from whom such language might have been expected, looking to the declarations which he had made on this subject four years ago. It should be recollected this was not a question of expediency—it was not the case of something that might be good to-day and bad to-morrow—it was a question of principle, which rested now upon the same grounds as those on which it stood in 1850. The House should hear what the Chancellor of the Exchequer said in 1850, and then he would leave the right hon. Gentleman to explain his inconsistency as he could.

THE CHANCELLOR OF THE EXCHEQUER said, he would not be responsible for the report which the right hon. Gentleman was about to read.

SIR JOHN PAKINGTON: The right hon. Gentleman now said, that the report of his speech was not correct.

THE CHANCELLOR OF THE EXCHEQUER said, that if the right hon. Gentleman, by using the word "now," meant to imply that he had not before disavowed the report, he must beg to set him right, for he had published a corrected report of his speech on that occasion.

SIR JOHN PAKINGTON said, he could refer only to the report which appeared in the usual record of Parliamentary proceedings; from that he would read some passages, and the Chancellor of the Exchequer could state what portion of those passages was incorrect. The question at issue was one of high principle. Like his right hon. Friend the Member for Oxfordshire (Mr. Henley), he thought the Lords' Amendment would sanction unjustifiable spoliation, and he believed the country at large were of the same opinion. The Chancellor of the Exchequer was reported to have used this language in 1850—

> "Into the question of the restraints in the election of fellowships I will not enter at any length. It is plain, however, that neither the House of Commons nor the Crown can assume a jurisdiction to remove those restraints; but, in point of fact, those restraints are of a much more limited character than is supposed." [3 Hansard, cxii. 1498.]

In 1850, then, the right hon. Gentleman was of opinion that the restraints upon the election to fellowships could not properly be removed by the Crown or Parliament. [The CHANCELLOR of the EXCHEQUER: No, no!] He wished to know what error the passage contained?

THE CHANCELLOR OF THE EXCHEQUER: I said the House of Commons, not Parliament.

SIR JOHN PAKINGTON said, he must say he thought the right hon. Gentleman was thankful for small mercies. He must be hard pressed, indeed, when he drew such a very nice distinction. The right hon. Gentleman was now urging the House of Commons to deal with those very restraints to which he had then referred. The right hon. Gentleman proceeded to say—

> "The selection is usually made from the country, or in most cases from the diocese. But although I do not deny that there ought to be some relaxation of these restrictions, yet I do deny the assumption that they are altogether evil. It is plain the principle of examination must have some limitation."—[3 *Hansard*, cxii. 1498.]

We were not now indebted to the right hon. Gentleman for any limitation whatever being put upon the principle of examination, or for scholarships not being dealt with in the same manner as fellowships. The right hon. Gentleman continued—

> "I would not like to see a Prime Minister, or any other Member of the Cabinet, appointed by examination. I would as soon have them chosen out of a particular county or a particular diocese. And so in the case of fellowships—you may ascertain the competency of candidates by examination; but we all know that there may be as much trick in passing through an examination as anything else, and I protest against examination being taken as the sole and only test of the fitness of candidates for those foundations."—[3 *Hansard*, cxii. 1499.]

Yet the right hon. Gentleman now said that the House of Lords had passed an Amendment in favour of moral and intellectual excellence, and against ignorance and abuse. What was that moral and intellectual excellence? Why, it was an excellence that was to be tested by examination. He did not deny the right hon. Gentleman's right to change his mind, but he thought the weight of the right hon. Gentleman's opinion upon this matter ought not to tell very much with the House, when he expressed such diametrically opposite opinions upon a question of high principle within the short period of four years. The right hon. Gentleman asked whether the colleges fulfilled the intentions of their founders; but he denied his right to enter into that question now, when they had such plain and unanswerable proof as to what those intentions really were. Why, this very morning the House had been led into an act of great injustice, as he considered, solely from their respect for the intentions of a testator. He alluded, of course, to Sir Thomas Wilson's Finchley Road Estate Bill. The right hon. Gentleman also said that the intentions of the founders were to establish the best colleges; but he denied the hon. Gentleman's right so to distort their intentions. He would appeal to the case in which he was the most interested—that of certain schools in the county of Worcester, connected with Worcester College, and he would ask whether the right hon. Gentleman was justified in saying that the Worcestershire gentlemen who founded those fellowships and scholarships had solely in view the establishment of the best college? It was perfectly clear that the real object of the founders was to benefit the county, to give an advantage to particular schools, and they could not now deprive those schools of their fellowships, which were, in fact, their endowments, without committing an act of the greatest injustice. He denied that they were open to the accusation of having protected the interests of schools while they neglected those of localities, and such a distinction ought not to be drawn. In the case of Jesus College, the interests of the locality had been protected by the decision of the House of Commons. He must express his deep regret at the course which the Government had taken, as their object appeared to be to induce the House of Commons to stultify itself; but he would remind the House that they had already come to two different decisions upon this particular subject, not in a thin House at the end of July, but in a full House in the middle of the Session. With one of those decisions the right hon. Gentleman was dissatisfied, and therefore asked the House to review it, but they had refused to do so, and declared that they held sacred these endowments and respected these rights. He hoped the House would now come to the same conclusion at which they had twice before arrived, and reject this Amendment of the Lords.

Lord JOHN RUSSELL said, the House would recollect that the last time they had debated this question, there was a majority of ten only in favour of the hon. and learned Gentleman's (Mr. Roundell Palmer's) proposal, so that, if they were now to come to a different conclusion, they would not, all events, be reviewing a decision which had been arrived at by a very large majority. The right hon. Gentleman (Sir J. Pakington) stated that his right hon. Friend (the Chancellor of the Exchequer) had said, in 1850, that these endowments ought not to be set aside by the will of the Crown or of the House of Commons. No doubt his right hon. Friend had said so, and he had no hesitation in saying the same thing now; but what they proposed was, that not the Crown or the House of Commons simply should decide this question, but that the whole body of the Legislature—the Queen, Lords, and Commons—should give their assent to a Bill by which that alteration should be made. He owned that he felt somewhat embarrassed in arguing this question when he heard the hon. Baronet the Member for the University of Oxford (Sir William Heathcote) and the right hon. Gentleman opposite arguing for a literal adherence to the wills of the founders, because, if they were to adhere to the wills of the founders, without looking at their intentions, how was it that they had allowed those wills to be set aside and different dispositions to be made in the case of localities? What was there in the case of schools which would justify their acting towards them in a separate manner? The question, therefore, came to this—whether, having adopted certain words with regard to these preferences in a former clause, which had been agreed to both by the Lords and the Commons, namely—

> "And whereas it is expedient for the interests of religion and learning to enable colleges to alter and amend their Statutes with respect to eligibility to headships, fellowships, and other college emoluments, and the tenure thereof, and to ensure the same being conferred according to personal merits and fitness, and for that purpose to modify or abolish any preference, and to make ordinances for promoting the main designs of the founders and donors,"—

whether, having agreed to that preamble, and given the Commissioners power to carry this purpose into effect, they had altogether parted with their right to touch any of the dispositions made by the founders, and were to preserve sacred and inviolate every endowment they had made, however mischievous might be its operation at the present time? The argument of the Government was that the founders never intended that the foundations which they established for the purpose of promoting religion and learning should be rather made a hindrance to the promotion of religion and learning. Let them take the case now before them—not that of fellowships, but that of scholarships and exhibitions from schools. There might be certain schools containing a large number of scholars who were perfectly fit to compete for the exhibitions to scholarships at the University; but the number of boys might also be so small that a sufficient number could not be furnished who were able to obtain the fellowships that were by law assigned to them. Was the inferior person in that case to be preferred, and the young man of talent set aside? He owned it appeared to him that, if they gave the preference to fitness, they could not adopt the proposal of the hon. and learned Gentleman. The question had been placed upon a very different ground by the hon. and learned Gentleman; for he did not say he wished to stand exactly upon the will of the founders, but that they would obtain fitness if they took the scholars from these schools, as the examinations would ascertain whether they were fit for the emoluments which they wished to enjoy. But it was quite clear that if the number of scholars was very limited, they would find that these examinations would only ascertain a very low degree of competence, a very narrow standard of learning, and their general object would thereby be defeated. He hoped, therefore, the House would reject the hon. and learned Gentleman's proposition and agree to the Amendment of the Lords.

Mr. WIGRAM said, he had no wish to use such harsh words as plunder and spoliation; but he must say, that if the clause were passed in its present form, it would enable parties to violate the rules under which property had hitherto been recognised in this country for a very long period. It was a deviation from the principle which the people of this country had long enjoyed, that those who bequeathed property for a particular purpose should have the right of defining the manner in which that property should be disposed of. That was one of the main principles on which all the rights of property were founded, and he trusted the House would not be induced to accede to such a proposition as was now before it, and which would reverse that principle. He denied that the Amendment of his hon. and learned Friend (Mr. Roundell Palmer) would in any way be a hindrance to the progress of learning and religion—they had a sufficient number of protections and safeguards to prevent any abuse of that sort. The noble Lord (Lord J. Russell) had argued that they were committed to this course by what they had already done. He could only say that this did not apply to himself, for he had protested against the principle, and had voted against it. But besides this, the present clause went a great deal further than any of the others. Then they were asked by the noble Lord whether they were prepared to adhere to the wills of the founders, even though those wills should hinder rather than promote the spread of religion and learning. He denied that they were reduced to this alternative, for even if the words introduced by the House of Lords were omitted, still they would have the fullest opportunity of enacting rules which would secure the advancement of religion and learning. In reply to another case put by the noble Lord President, he would say that in case of schools not sending up persons sufficiently qualified for scholarships, it would be competent for the colleges to reject them, and in that case the appointments would be open. It had been decided in the case of Catherine Hall, Cambridge, that the colleges had the right to refuse the election of incompetent persons. They had, therefore, no temptation to deviate from the principle of respecting the wills of the founders, and he hoped the House would not depart from it.

Motion made, and Question put,

> "That this House doth agree with the Lords in the Amendment in page 10, lines 23, 24, and 25, which Amendment was after the word 'and' to insert the words 'in cases where it is proposed by such Regulation or Ordinance to abolish any right of preference in elections to any emolument other than a Fellowship or Studentship.'"

The House *divided*:—Ayes 110; Noes 68: Majority 42.

Several other Amendments were *agreed to* without discussion.

In Clause 42, which provides that the Statutes made by the Commissioners with respect to the Hebdomadal Council and the Congregation may be repealed by the University, with the approval of Her Majesty in Council, the Lords had added the words "and respecting private halls."

The CHANCELLOR of the EXCHEQUER moved that the words "and respecting private halls," which had been added by the Lords, be omitted, as he believed they had been inserted by the Lords *per incuriam*, and without due consideration. No doubt the intention had been to place their proceedings in regard to private halls on a footing analogous to their proceedings with respect to the Hebdomadal Council and Congregation. With respect to the latter, however, they had provided by the Bill both for their existence and for many details with regard to them; and the present clause provided that the particulars and details of them might be altered by the University with the consent of the Crown.

The House of Lords had assumed that the case was the same with regard to private halls, and that they had provided by the Bill both for their existence and for a number of details respecting them. In place of this, the Bill merely provided for their existence, and laid down no details in relation to them, leaving it to the University to regulate all those details. The only thing, therefore, which would come within the scope of the words, "and respecting private halls," would be the very existence of those halls themselves. He did not think that this could have been the meaning of the House of Lords, and would therefore move that the Amendment be rejected.

SIR WILLIAM HEATHCOTE said, he did not believe that this clause had been inserted by the House of Lords *per incuriam.* In fact he had raised this very question, and moved an Amendment in these very words when the Bill was formerly before the House. He did so on the ground that this experiment of private halls was one of a very doubtful nature, and that it ought to be competent to the University at some future time to renew and, if necessary, to abolish it. Holding these grounds, he must oppose the Motion that this Amendment of the Lords be rejected.

MR. APSLEY PELLATT said, that if the Amendment were agreed to, the benefits which Dissenters expected to derive from the establishment of private halls would be completely neutralised.

MR. WALPOLE said, he understood the 42nd clause unquestionably to give powers to alter the 27th clause, which established the private halls; but the extreme limitation under which the private halls could be altered ought to be taken into consideration. They can only be altered in case they have completely failed, not merely in the opinion of the governing body, but in the opinion of the members of Convocation resident in the University. But since it was admitted that an experiment was being made, was it not right to leave the University, that was to say the governing body of the University, the powers to give a veto, which were allowed to Convocation, and further powers to prevent the University from hastily exercising their own powers if the University were inclined to do so? Suppose the private halls failed—suppose it became advisable to establish affiliated halls—why was the University to be debarred from superseding the regulations or the provisions which might turn out not only a failure, but detrimental to the best interests of the University. He (Mr. Walpole) trusted that his right hon. Friend the Chancellor of the Exchequer would not persevere in resisting the Lords' Amendment on this point.

THE SOLICITOR GENERAL said, that there were great interests bound up in the establishment and development of private halls, through which medium the great principle of University extension was to be carried out. If the words were not struck out, the great object of the Bill would be entirely nullified, and the Bill itself reduced to a mere temporary provision. This surely was not the intention of the House, neither was it the object of Imperial legislation. The whole Bill proceeded upon the establishment of two great principles. The establishment of private halls was one—the constitution of the University the other; and if any alteration was made with regard to one of these, the other, the constitution of the University, must certainly be subjected to the same rule.

MR. NEWDEGATE said, a restriction was imposed on the Queen in Council with respect to private halls, which did not exist with respect to the University, to the election, constitution, and powers of the Hebdomadal Council, or to the powers of Convocation. If the House would not trust the University, it certainly might trust the Queen in Council. All that the House of Lords had proposed in the Amendment was very obvious. They had said, why should not this experiment be subject to the same provisions as the other parts of the Bill—why should it not be subject to the Queen in Council at the suggestion of the University, in the same way as every other creation in the Bill? It was not to be expected that the House of Lords was likely to pass the Bill with such an anomaly as this, and he did not see why this portion of the Bill, which was avowedly an experiment, should not be subject to the same regulations as the other proposals contained in it.

MR. HENLEY said, that so far as he could understand the Bill it was in a very confused state. It was absolutely necessary that the University should have these powers, and if the right hon. Gentleman the Chancellor of the Exchequer would attend he would show him why. The 30th clause gave powers to the University to make regulations for private halls; the

41st clause gave powers to the University to alter anything that they had done themselves; and the 39th section of the Bill gave powers to the Commissioners to frame Statutes, in the case of the private halls, to carry out any of the provisions with respect to which the University had made a default. But if these Statutes, after working five or six years, were found to contain inconvenient regulations respecting the matters to be observed in these private halls, surely the right hon. Gentleman did not say that these were to be law for ever. If they were matters of two grave a kind for powers to be given to the University, he (Mr. Henley) considered that the Queen in Council was a sufficient check. If the University did not see its way clearly to establish these halls, and left them to be established by the Commissioners, and the Commissioners having made these regulations, there would be no power to alter them at any future period, however inconvenient they might be.

Lord JOHN RUSSELL said, the meaning of the words as regarded the Statutes made by the Commissioners was, that they should be subject to revisal and alteration by the parties who created the private halls, and if the regulations with regard to private halls should be found upon experience to be inconvenient, there was full power under the Bill to alter them. What he wished should not be altered, however, was the provision of the Bill with respect to the establishment of those halls.

Motion made, and Question put,

> "That this House doth disagree with The Lords in the Amendment in page 14, lines 7 and 8, which Amendment was, after the word 'Congregation,' to insert the words 'and respecting private Halls.'"

The House *divided*:—Ayes 130; Noes 70: Majority 60.

On the 46th clause, which provides that no oath should be necessary on taking a degree, the House of Lords had inserted the following proviso—

> "But such degree shall not as such constitute any qualification for the holding of any office which has been heretofore always held by a member of the United Church of England and Ireland, and for which such degree in the said University has heretofore constituted one of the qualifications, unless the person obtaining such degree shall have taken such oaths, and subscribed such declarations, as are not by law required to be made and taken on obtaining such degree, either at the time of taking such degree or subsequently."

Mr. NEWDEGATE said, he wished to ask the noble Lord opposite two questions. The first was, why should not young men entering the University be called upon to make a declaration of their belief? He could not for a moment imagine why this was abolished. It could only be to enable foreigners to become Members. He well knew that the House of Lords were extremely liberal in their accommodations for the reception of distinguished foreigners, of which they had lately had an instance in the case of Count Pahlen; but he certainly did hope that there would be no young Pahlens (especially at the present time) found in our Universities. The second question he would ask was as to the meaning of the word "office." It was not in the interpretation clause; and he wished to know whether a fellowship was to be construed as an office within the meaning of that clause?

The SOLICITOR GENERAL said, according to his apprehension the word "office" did not include "fellowship," although, in certain cases, a fellowship might have attached to it some particular office. "Office" and "emolument" were quite distinct, and in his opinion, the word "office" could not include either fellowship or emolument.

Mr. HEYWOOD said, he believed that the words alluded to by the hon. Member for North Warwickshire (Mr. Newdegate) were intended to apply to the masters of grammar schools. He did not, for his own part, agree with the proviso at all, and he could not consider the matter settled so long as it remained upon the Statute-book, but he believed that it expressed the present opinion of the other House of Parliament upon the subject, and he had no wish at this period of the Session to raise a difficulty about it. Sir Robert Peel, in the year 1834, in speaking upon this subject, had said—

> "The Dissenters at the Universities never would remain contented with the mere empty degree of master of arts, but would continue to strive after—nay, peremptorily to demand—a perfect equality in all things not necessarily connected with ecclesiastical affairs. He would put the case of two students intending to enter upon the profession of the law, the one a Dissenter, the other a member of the Church of England; either might have, he would suppose, a lay fellowship, if the religious scruples of one of them had not happened to stand in the way. The Dissenter might stand more in need of such fellowship. He would then put it to the right hon. Gentleman to say how he could, upon his own principles, refuse the claim of the Dissenter to a collegiate advantage not necessarily connected with ecclesiastical

affairs? By what right could he establish such an invidious distinction on a matter merely of civil benefit and advantage? To his mind, it did appear infinitely more rational and consistent to proceed according to the recommendation of the hon. Member for Leeds, and grant to the Dissenters a full and equal participation in all the advantages of the Universities not necessarily of an ecclesiastical or spiritual character."—[3 *Hansard*, xxiv. 706.]

He must say that he (Mr. Heywood) should very much have preferred that Parliament should have arrived at this, which was called by Sir Robert Peel "an infinitely more sound and rational conclusion" than that this proviso should have been introduced for the purpose of pushing out or keeping out Dissenters from the masterships of grammar schools. He was not at all satisfied with the matter as it stood; but he repeated that he would not at present make any opposition to the Amendment.

MR. GOULBURN said, he thought that, when the hon. Member for North Lancashire cited the opinion of Sir Robert Peel upon this subject, it was as well the House should know that upon the very occasion on which he had made that speech—in which he was arguing against the views of his opponents, and showing to what consequences they would lead—his vote, as they would see if they referred to it, had been given against the proposition to admit Dissenters to the Universities.

MR. HENLEY said, he understood that the language of Sir Robert Peel, which had been referred to by the hon. Member for North Lancashire, had not been cited by him for the purpose of informing the House of the opinions held by Sir Robert Peel on the subject of admitting Dissenters to the Universities, but had been read for the knowledge of the right hon. Gentleman opposite (the Chancellor of the Exchequer), and of other Gentlemen who sat near him, and in order to show them that what they had now done had established an irresistible claim upon the part of the Dissenters to have everything else they desired. He understood that that quotation expressed Sir Robert Peel's opinion, then speaking upon this very subject—that if what was then asked should be conceded, which was something very like what the right hon. Gentleman the Member for the University of Oxford (the Chancellor of the Exchequer) had been instrumental in carrying now, the Dissenters would have in that concession an irresistible argument for demanding everything else. Now, with respect to this proviso, it appeared to him that the only effect of it would be to strike at the schoolmasters; and that while it would shut out the Protestant Dissenters to a man, Roman Catholics would be let in by it. It applied to "any office which has been heretofore always held by a member of the United Church of England and Ireland." Now, many of these schools had, no doubt, been formerly held by Roman Catholics; and, therefore, the effect of this concoction by the Dissenting body on the one hand, and the right hon. Gentleman on the other, would be, that no Protestant Dissenter could benefit—that it was possible that Church of England schoolmasters might be shut out—and that Roman Catholics alone would derive any advantage.

MR. ROUNDELL PALMER said, he did not think that the right hon. Gentleman's apprehension with respect to Roman Catholics was very well founded; but he admitted that the clause was very oddly worded. He believed that the "United Church of England and Ireland" had only existed since the Act of Union, and it would be obvious that, if that were so, hardly any office could be said to have been "heretofore always held" by a member of that Church; but, of course, a court of law would give a rational interpretation to the clause.

The Lords' Amendment *agreed to.*

MR. CRAUFURD said, he would now move to restore the 47th clause, which provided that no member on account of his rank should be permitted to take his degree sooner than any other undergraduate.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the hon. Gentleman was applying his Cambridge experience to the case of the University of Oxford, whereas the systems at the two Universities were entirely different. At Oxford there was no distinction made in the examinations on account of difference of birth. The clause had been introduced on the suggestion of the hon. and learned Member for Leominster (Mr. J. G. Phillimore), and no great question had been made about it at the time, but there was really this serious objection to it—that it referred to a matter of detail, and that, if they took upon themselves to legislate upon such a matter, they would be making themselves responsible, in effect, for a great number of other details which they might think ought to be amended. He thought, therefore, that the safer course would be to leave this, as they had left a great many other matters, to be dealt with by the University itself.

On the 50th clause (saving the powers and privileges of the University and its officers, except in so far as they are expressly altered or taken away by the provisions of this Act).

MR. BLACKETT said he wished to call attention to the subject of the Vice Chancellor's veto. When the measures to be submitted to Convocation emanated from the Hebdomadal Board, with which body the Vice Chancellor was constantly in harmony, there was no danger that the veto would be mischievously exercised in reference to those measures. But at present, for the Hebdomadal Board they had substituted a Hebdomadal Council, with whom there was no reason to suppose, but the contrary, that the Vice Chancellor would always act in harmony. It was a matter, therefore, of the greatest importance that the Vice Chancellor should not have power to interpose and neutralise the proceedings of the Hebdomadal Council, by vetoing those proceedings when submitted to Convocation. When he had spoken to the hon. and learned Solicitor General some time since upon the subject, the hon. and learned Gentleman had expressed his opinion that the veto of the Vice Chancellor was taken away by the operation of the clause which was now the 19th in the Bill. He therefore wished to ask the hon. and learned Gentleman now, whether the stringent words substituted would have the effect of maintaining the veto of the Vice Chancellor on all proceedings connected with Convocation, which it was formerly his opinion had been abrogated by the 19th clause, or whether he considered that it would be taken away in spite of the stringent words introduced by the House of Lords?

THE SOLICITOR GENERAL said, it was provided by the 19th clause that every Statute framed by the Hebdomadal Council should first be submitted to Congregation, and afterwards to Convocation; and, in his opinion, the exercise of the veto was, by that provision, effectually restrained.

Amendment *agreed to.*

Committee *appointed* to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed.

The Chancellor of the Exchequer

THE BISHOP OF NEW ZEALAND.

Order read for going into Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JOHN PAKINGTON said, in calling the attention of the House to the case of the Bishop of New Zealand, he begged to observe that when he had complained on a former occasion of the withdrawal of the grant to the Bishop, he was told there was nothing new in it, as the grant had been stopped in 1853. He then inquired if any despatch had been sent out either to the Bishop of New Zealand or to the Governor of New Zealand to state the intention of the Government to withdraw the grant, or to state the fact that it had been withdrawn, and the answer of the right hon. Gentleman opposite (Sir G. Grey) was, that no such information had been sent to either of these parties. In the year 1853 the income which the Bishop had received from the time of his appointment was withdrawn, without the slightest intimation being sent of the intention either to the Bishop or to the Governor of New Zealand. He would say nothing of the position of the Bishop of New Zealand, of his exemplary character, and great and admitted capacity. He would assume for a moment that instead of being a bishop of the Church of England he was the lowest official of the smallest colony, and he (Sir J. Pakington) would ask the House whether in the case of any public servant, be he who he may, it was consistent with good faith and fair dealing, that an allowance once granted by Parliament, and on the faith of which that public servant had gone out to the Colony, should be so withdrawn. Putting the case in that way to the House, he begged to say distinctly that he did not intend to make any accusation against the Duke of Newcastle, the Secretary of State who arranged the matter. He was quite sure that the Duke of Newcastle was as little inclined as any one could be to do anything unfair towards any public servant connected with his department, and more especially one holding the high position of the Bishop of New Zealand. He might add, that he knew too much of the Colonial Office to feel surprised that occasional mistakes of that kind should arise, and he could only suppose that this was a mistake, and that in withdrawing this grant from the Estimates of 1853, without the slightest warning to the Bishop, the

Duke of Newcastle had acted inadvertently, and in that view he looked to its speedy and effectual rectification. He (Sir J. Pakington) would not advert to the attempt that had been made to throw the blame of this upon him. He could only say that he felt extremely innocent on the subject. It was true that in the year 1852, he expressed a hope that after two years New Zealand would cease to be a charge upon this country. Perhaps he had not been so cautious in making a distinct exception with regard to the salary of the Bishop as he should have been, but nothing would induce him to be a party to such a withdrawal of the grant as had actually taken place, and that without due notice. He would remind any hon. Gentleman who attempted to throw blame on him of the fact that it was stopped in 1853 without any warning or notice, and, at all events, he was innocent of that, because it did not devolve on him to send out notice. But if hon. Gentlemen thought he was to blame, he was willing to bear his share of it, but he would not be a party to stopping the grant under such circumstances. In a letter written by the Under Secretary for the Colonies, by the direction of the right hon. Baronet (Sir G. Grey), it was stated that, until it had appeared incidentally, the Governor was under the impression that the Vote for the salary of 600*l.* had been continued. Now, he appealed to the right hon. Gentleman if those words did not establish his (Sir J. Pakington's) case? Why was the Governor under the impression, or how did he discover it incidentally? If the intention had been courteously communicated, no such erroneous impression would have existed. The right hon. Gentleman then proceeded to say that the Estimate of 1853 had been diminished by previous engagements to 5,090*l.*, and he (Sir J. Pakington) must beg to correct the right hon. Gentleman with respect to that passage of his letter. The right hon. Gentleman would not find that anything that had been said by him would render it necessary to reduce the grant in 1853 to 5,090*l.* He (Sir J. Pakington) had talked of gradual reduction, but said nothing with respect to the reduction of the grant to that amount. He then said the salary of the Bishop, with other items, was omitted, but he gave no reason why they were omitted. It was perfectly clear from those extracts that the right hon. Gentleman did not intend to give any reason for the withdrawal of the salary. His letter to the Bishop was, of course, worded very politely, but the real substance of it was, "I am sorry to say that I have to inform you that your salary is stopped." To this letter the Bishop sent an answer. It was written in a calm and dignified tone, and he made no complaint; and if there was anything like severity in the letter, it was only the severity that was inseparable from the nature of these unfortunate circumstances. The Bishop stated the facts on which the question mainly turned. The salary was taken away by the Government in 1853, and he never received any notice of the fact until the 25th of June, 1854. It was true that the noble Lord opposite (Lord J. Russell), who was Colonial Minister when the arrangement respecting the bishopric was originally made, had said that he would not be responsible for the permanence of the salary. But in saying that the noble Lord could only mean one of two things—first, that he would not answer for Parliament being always disposed to continue this grant, and that at some future day the income of the bishopric might be transferred from the Parliamentary grant to some other source. He (Sir J. Pakington) did not believe the noble Lord had intended to intimate to the Bishop the possibility that he, the very Minister who made the arrangement, would turn round on the Bishop and say his income was to be taken away without any warning, or any provision being made for it elsewhere. It was well known that the Bishop of New Zealand did not desire income for income's sake. He bestowed his income in a manner that was worthy of a Bishop of the Church. He bestowed it with liberality and generosity, and from the fact of his devoting his income to the benefit of his fellow-Christians, and never making it a source of profit to himself, he might have been exposed on receiving this intimation to the want of pecuniary means. He (Sir J. Pakington) did not affirm that the salary of the Bishop of New Zealand was to be a permanent charge on the funds of the country. He thought it might be desirable to do in that case as had been done in others, and transfer it to some other source; but until they had done so, they were bound in good faith, and by a regard for the dignity and welfare of the Church, to continue that salary until they had otherwise provided for it. He asked the noble Lord the Lord President of the Council, and the right hon. Gentleman who filled the office of Secretary of State for the Colonies, whether it had not been the uniform policy of successive Administrations in this country to increase the episcopacy in Colonies; and it was also their uniform policy never to allow the establishment of a new bishopric until a sufficient endowment was provided. Did it not follow from that that it was the uniform opinion of successive Governments that it was absolutely necessary that those who held the office of bishops in the Colonies should be properly provided for, and if it were opposed to that policy, to establish a bishopric until an endowment was found, it was equally opposed to it to leave this bishopric destitute. Before placing his Motion in Mr. Speaker's hands, he would confess that he entertained the most sanguine hope that the Government would admit, whomever the blame might rest upon, that his proposition should be acceded to, and it should be recollected that the salary was stopped by an act of the Government, and not by the act of the House of Commons. It was stopped, he believed, under a misapprehension, and he hoped Her Majesty's Government would not resist his application. In conclusion, he begged to propose the Motion of which he had given notice.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"This House will To-morrow resolve itself into a Committee to consider of presenting an humble Address to Her Majesty, praying that She may be graciously pleased to give directions that the Salary of 600*l.* heretofore voted annually to the Lord Bishop of New Zealand shall be paid for the years 1853 and 1854; and assuring Her Majesty that this House will make good the same."

Mr. W. WILLIAMS said, that this grant of late years had been allowed to pass upon the distinct understanding that it would be gradually reduced and ultimately withdrawn altogether. When the grant was last before the House, he threatened to divide upon it, but upon receiving a distinct pledge that it would not be resumed he did not persevere in his intention, and the grant was allowed to pass. Under these circumstances he contended that it would be a breach of faith to Parliament if this Motion were agreed to. Upon what principle of common justice or common honesty could the right hon. Baronet expect this country to support a Bishop of New Zealand? If the Colony wanted a bishop the Colony was well able to support one; on the other hand, if the Colony did not want one, let the right rev. Prelate withdraw from it.

Sir THOMAS ACLAND said, he trusted the Government would not oppose this act, he would not say of grace, but of justice and common fairness. It was now twelve or fourteen years since that House, by a distinct vote, without any qualification, had sent out this most distinguished man to the diocese of New Zealand, and certainly at that time there was not the slightest intimation held out that his stipend would ever be thus summarily withdrawn. When the Vote originally appeared in the Estimates, it appeared not as a charge relating to the colony of New Zealand, but as an item in the Estimate for the ecclesiastical and clerical charge of Canada, Nova Scotia, and New Zealand, and several years elapsed before it appeared in its present form. But some time afterwards it was presented in a different form, and it became liable to the grave consideration whether, generally speaking, the provision for the prelates of the Church in the colony should be made by the colony or by this country. As regarded the ecclesiastical salaries of Canada and Nova Scotia, they still continued to be voted by Parliament during the lives of the present recipients. The salary of this Bishop belonged to the same class; and in their Report the Committee on the Miscellaneous Estimates, which sat five or six years ago, stated that they declined to enter into the consideration of salaries belonging to this category, because they would lapse altogether with the lives of the life-holders. Well, this admirable Prelate had gone forth to a remote colony to discharge most important Christian duties there, never dreaming that he would receive treatment such as was now suggested, and which he (Sir T. Acland) could hardly trust himself to characterise as it deserved. It was not merely the bounty of Parliament that was asked for him, but rather what was justly due, on the principle that the labourer was worthy of his hire. The Bishop of New Zealand had helped to prepare in those islands a state of society in which was exhibited perhaps the most remarkable instance ever known of the bringing of a numerous and high-spirited native population into full union and sympathy with a Christian country to whom they had become subject. This the right rev. Prelate had done in a manner that deserved the highest consideration on their part; and he (Sir T. Acland) felt assured that that House would not refuse the proposition of the right hon. Gentleman (Sir J. Pakington), and which he sincerely trusted would meet with no opposition from any Member of the Government.

SIR GEORGE GREY said, that, having answered various questions that had been put to him recently on this subject, and correspondence relating to it having been produced, the facts of this case were already sufficiently known to the House, and it was therefore unnecessary for him now to reiterate them. Neither was it needful that he should repeat his entire concurrence in the eulogiums that had been passed upon the excellence, the zeal, and the ability of the Bishop of New Zealand. He believed the appointment of that Prelate by his noble Friend (Lord J. Russell), in 1839, to the diocese which he had now for many years occupied had been productive of the greatest benefits to New Zealand and the neighbouring islands, and especially to the native races inhabiting them. With regard to this salary itself, he must say, that although it was originally proposed in the manner stated by his hon. Friend the Member for North Devonshire (Sir T. Acland), not as a salary for New Zealand alone, but in common with the ecclesiastical salaries voted for different parts of our Colonies, yet this arose from the circumstance that there used to be no Vote for New Zealand asked from Parliament, and as soon as a Vote came to be required for the civil service of that Colony, the Bishop's income of 600*l.* formed a part of it. The Vote was justified on the ground that in an infant colony like New Zealand the local resources were not sufficient to meet the exigencies of the settlement, and, therefore, the aid of Parliament was invoked in its behalf. Thus the Vote was continued from year to year, till in 1851 a despatch was addressed to the Secretary of State by the Governor of New Zealand, describing the financial condition and prospects of the Colony, and stating that if 10,000*l.* was voted in 1852 by Parliament in aid of the colonial revenues, in 1853 the Vote might be reduced to 5,000*l.*, after which he thought no further help would be asked from the British Parliament in aid of the finances of the Colony. He (Sir G. Grey) thought the right hon. Gentleman (Sir J. Pakington) would find, independently of what he was reported to have stated to the House at the time, that a note was appended to the Estimates for 1852 (which were prepared under the direction of the right hon. Gentleman), in which it was stated, in accordance with the opinion of the Governor, that if 10,000*l.* was granted in 1852, a sum of about 5,000*l.* would be all that would be required in 1853, after which no further Vote would be required for the civil services in New Zealand; and he (Sir G. Grey) found, on looking over the records, that when the Vote of 1852 was objected to on the specific ground that it contained 600*l.* for the Bishop, the right hon. Gentleman rose and said that after 1853 nothing more would be required on account of the civil service of New Zealand, making no exception of the Bishop's salary, so that the hon. Member for Lambeth (Mr. Williams) was entitled to express himself as he had done, because he had been induced to withdraw his opposition to the Vote on that occasion by reason of the statement of the right hon. Gentleman. But it seemed now that the right hon. Gentleman intended to except from that general statement this 600*l.* a year; but he thought it was the right hon. Gentleman himself who ought in 1852 to have addressed a despatch to the Governor, informing him that he had stated in the House of Commons that no Vote would be brought forward again, and suggesting to him that proper means should be taken for providing this sum from the resources of the Colony. No such intimation, however, was conveyed by the right hon. Gentleman, and next year, when the Vote was discontinued—no doubt it might have been from accident or inadvertence on the part of the right hon. Gentleman—no direct communication was made to the Governor or to the Bishop of the actual cessation of the Vote. The right hon. Gentleman was wrong in saying that no intimation of any kind had been sent to the Colony, because, as he had informed the right hon. Gentleman, in answer to a question that had been put to him, the Estimate itself had been sent to the Colony, and the inspection of it would at once show that the salary had been withdrawn. Yet, owing to there having been no previous communication to the Governor on the subject, either from the right hon. Gentleman or from the Duke of Newcastle, the 600*l.* had been actually paid to the Bishop in the Colony for the year 1853, so that the alleged sudden stoppage was no sudden stoppage at all; and in point of fact the salary had only ceased from March, 1854. The Bishop certainly, however, had no intimation of this cessation, and he (Sir G. Grey) had received a despatch from the Governor, as if the salary were still payable. The House must be aware that he had nothing to do with the occurrences to which he had adverted; but upon learning these facts, he thought it right to communicate immediately with the acting Governor, and desire that he would take steps, without delay, to induce the authorities in the Colony to provide for the salary of the Bishop from the time it had actually ceased. If it should appear that the payment to the Bishop of the salary of 1853 was an illegal payment, and that there existed any claim upon him in respect to that salary, he (Sir G. Grey) was willing at once to express his opinion that this was a claim to which the Bishop ought not to be liable, and the House, he thought, ought to be called upon to make good such a demand. So, with regard to the year 1854, to which the Motion of the right hon. Gentleman was limited, he was prepared to say that, if the Bishop had been put to inconvenience—which it was impossible he should not have been put to from the sudden withdrawal of the salary and the absence of all notice—and if the appeal to the Assembly of New Zealand was not successful, then this House ought, he thought, to make good the salary for that period also. They were not, however, in a condition now to determine that question. The Bishop had received his salary for 1853, and he hoped the appeal to the Assembly of New Zealand would be productive of a good effect, and that it would be unnecessary to call upon this House to make good his salary. With regard to these two years the Bishop had a claim upon the Colony, and that was a claim which the Government would very willingly recognise, in the event of the Assembly not taking it upon themselves to meet it.

Mr. ROUNDELL PALMER said, that, although the right hon. Colonial Secretary had, with respect to these two years' salary, said everything which could be wished for, an important principle was involved in this case, to which it was right the attention of the House should be called. The House should consider in what position any bishop or clergyman sent out would be placed if an appointment of this nature were made, fixing on a person an office of which he could be divested, and if the salary which had been accorded to him was then suddenly discontinued. It seemed to him that the Government of this country, assenting to the appointment of a bishop, and leading him to the expectation that his salary would be provided for by Parliament, were bound, so far as that individual was concerned, to continue to provide for him that salary during the whole of the time he might continue to retain that position, in default of such a provision being forthcoming from any other quarter. In the absence of any disposition on the part of the Colonial Assembly to take upon themselves this charge, it appeared to him that it would be a most undignified and unworthy course of proceeding for this country to send out to a colony a person in an ecclesiastical situation, teaching him to rely upon the provision made by the Legislature for his annual support, and then to put the matter on a new footing, and say that if the Colonial Legislature did not take the charge of paying this salary the Bishop would have to go without his stipend. It was his conviction, that it would be the duty of this House to provide permanently for the salary of the Bishop if the Colonial Legislature did not do so. This was no colonial question, but a question simply concerning the honour and the good faith of the Imperial Parliament.

Mr. HADFIELD said, that after the statement they had heard from the right hon. Baronet (Sir G. Grey), the House had nothing to deliberate upon. If the Bishop of New Zealand were the excellent man he was represented to be, and he did not doubt that he was, why did not the denomination to which he belonged enter into a subscription amongst themselves for the purpose of raising the money necessary for his support, without coming and asking the House of Commons to do it for them. This was not the place to grant money for religious purposes. Let the prosperous colonies connected with this country maintain their own religious establishments, in the same manner that the majority of the people of England now did theirs.

Lord WILLIAM GRAHAM said, in reply to the hon. Member who had last addressed them, that the Bishop had expressed his determination to return to New Zealand, whether his income was secured to him or not, and there maintain himself by digging or begging in the best way he could.

Sir JOHN PAKINGTON said, that after the statement that had been made by the right hon. Gentleman the Colonial Secretary, he should not persevere in his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding 140,000*l.*, be granted to Her Majesty, for the purchase of Burlington House and Grounds, Piccadilly, in the year ending the 31st day of March, 1855."

MR. SPOONER said, that up to the present moment the House had received no information as to what was to be done with the purchase of land at Kensington, and they ought, therefore, to pause in granting this additional sum of money for the purchase of Burlington House until they had had some specific plans and estimates laid before them. The sum voted for the Kensington estate was 200,000*l.*, and the 140,000*l.* now proposed, was merely for the purchase of the site upon which Burlington House stood, and the Committee was in utter ignorance with regard to the expenses which were to incurred in building on those sites. When last the subject was discussed, the Chancellor of the Exchequer, or the Secretary to the Treasury, stated that the cheapest way of dealing with Burlington House was to pull it down. So that, according to this suggestion, the nation was about to pay the sum of 140,000*l.* merely for the space upon which the house stood, and the old materials. With the example they had before them in the building in which they were then assembled, the first estimate for the erection of which was 700,000*l.*, whereas 2,500,000*l.* had been expended, whilst it was a very great way from being finished, he did think the Committee ought to be careful and cautious in what they did, and not incur further expenditure. Unless some satisfactory explanation were given, he should take the sense of the Committee against the Vote.

MR. W. WILLIAMS said, he understood at first that Burlington House was to be purchased for public offices. He thought it was very inconveniently situate for such a purpose. If land were wanted, why was not use made of the waste piece of ground at the end of Downing Street? That could be had for nothing. There was also public property lying waste in the rear of Somerset House. It appeared, however, that in truth it was wanted not for public offices, but for the accommodation of certain scientific societies. This was the second call which had been made on the nation in connection with the Exhibition of 1851, which thus promised to be a very expensive affair to the country. He should have thought that the splendid success of the Crystal Palace at Sydenham would have convinced the Government that such matters as this were best left to private enterprise. If the hon. Member opposite (Mr. Spooner) would divide the Committee on this Vote, he would cordially join him.

CAPTAIN SCOBELL said, he presumed that, as Government came to the House of Commons to ask for the money to purchase Burlington House, they had not yet made the bargain. He agreed with what had fallen from the hon. Member for North Warwickshire (Mr. Spooner) and the hon. Member for Lambeth (Mr. W. Williams), and he could not help thinking that, if Burlington House was to come down, we were merely purchasing about three acres of land, for which we were going to pay 50,000*l.* an acre. He did not think that the present times justified such an expense being incurred for so small a return. As to the space being used for the erection of buildings for private societies, he thought such a proceeding was not necessary, and he believed that these societies could erect their own buildings at a much less cost than Government would be likely to do it for them.

MR. MONCKTON MILNES said, he believed, on the contrary, that the estimate was extremely economical. He might state to the hon. Member for North Warwickshire (Mr. Spooner) what might perhaps lessen his objection to the Vote, namely, that he had heard it reported that if the Government did not buy the site of Burlington House for this purpose, it was the intention of the Roman Catholics to purchase it, and build a large cathedral upon it. He (Mr. M. Milnes) could not agree with those hon. Members who spoke slightingly of scientific societies, for he considered that the country was under great obligations to them. He certainly trusted that the Government would not pull down Burlington House, for it was one of the finest specimens of its style in England.

MR. BANKES said, he objected to the grant on every ground, but one of his chief reasons for opposing it was, that the present beautiful structure would be pulled down. Next to the fine specimen of Inigo Jones at Whitehall, Burlington House would be one of the greatest ornaments to the metropolis, if it could be seen, and the only thing which could reconcile him to the Vote was the pulling down of the exterior wall in Piccadilly, and opening the building to the public view. He also thought that the present was an unsuitable time for that House to be asked for a Vote of this description, and he saw no reason why, because they were called upon to vote millions, they should not look after the thousands and tens of thousands.

Mr. HEYWOOD said, that the Presidents of the different scientific societies had had a meeting the other day, and had all agreed that the purchase was desirable, and were obliged to the Government for proposing to buy it. Some of those societies had a fair claim on the Government for a location, as some of them had originally been provided with rooms in our public buildings.

The CHANCELLOR of the EXCHEQUER said, he could not well understand the arguments made use of by the hon. Member for Dorsetshire (Mr. Bankes). That hon. Gentleman stated that his objection to this Vote would be either withdrawn or greatly modified if it were proposed to pull down the wall in front of Burlington House; and, having made that statement, he proceeded to say that, at the present time, it was absolutely necessary, on account of the war, to refrain from applying to Parliament for money to be expended for a purpose not absolutely necessary. He could not understand how those two arguments could hang together, nor could he admit that either was tenable. The proposition for pulling down the wall, and so opening the view to Burlington House, was a proposition not to be endured—["Oh, oh!"]—that was to say, not to be endured by those who were intrusted with the management of the public resources at the present time; and, on the other hand, he protested against the doctrine, that the country was so reduced in means that no money could be voted except for purposes of what might be called absolute necessity. With respect to the acquisition of three acres and a half of land at a price which every one must admit was by no means extravagant, in the very heart of London, in a most commanding situation, in a great thoroughfare, he could only say that, if the opportunity were allowed to pass, it might be many generations before such another occurred, and in the forty or fifty years which might elapse before such an opportunity occurred, in what way could the public demands for space be met? What was to be done with the institutions, and the objects of interest which would have to be removed from Marlborough House in a few years, when that house was given up? It would be cheaper to devote the rooms in Somerset House to offices, than to build new offices at a distance. With regard to the statement that scientific societies could furnish themselves with room at a cheaper rate than the Government could provide it for them, he must say that he could not agree to that statement; because, if they were provided with space in any Government building, other parts of the building, which would be useless to them, could be turned to account by the Government. The difficulty which those societies met with in obtaining accommodation was the difficulty of procuring a large room for their meetings, but if they were provided with space by the public, one large room would be sufficient to answer the requirements of all. The hon. Member for Lambeth (Mr. W. Williams) had spoken of the vacant space in Downing Street; but that site was wanted for other purposes. The position of the great State offices in Downing Street was absolutely disgraceful. Some of them were even dangerous, and others inconvenient in the highest degree, and it had become a matter of necessity that they should think of an alteration and enlargement of those offices on a great scale. For such purposes the vacant space in Downing Street would naturally be required. To transfer any of the great offices of State to Burlington House would be altogether inconvenient, and it was important they should all be centred in the neighbourhood of Downing Street. But for Commissioners' offices and establishments of that kind, Burlington House would be found exceedingly convenient, and he therefore thought that for such purposes the proposed arrangement was an excellent one. He hoped, therefore, that the present question would not be mixed up with the one about Kensington, or in any way confounded with the question of the National Gallery, which had been discussed and settled, as was understood, conclusively, in the course of last Session.

Mr. DISRAELI said, there could be no doubt of the soundness of the statement made by the right hon. Gentleman, that nothing could be more valuable, or rather invaluable, to the Government of this country than those spaces of ground that from time to time might be procured in the metropolis. But, before he adverted to that subject, he would venture to make a remark on one or two observations that had fallen from some hon. Gentlemen opposite. The hon. Member for Lambeth had commented on the propriety of some alterations in Somerset House, for which he (Mr. Disraeli) was responsible, and in some measure he approved of what had taken place. He was quite prepared to show, if it was necessary to go into the question, that those alterations were all for the convenience of the public service, as well as economical in so far as regarded the public expenditure, and that, in so far as the management of the Duchy of Cornwall was concerned, the alterations were unquestionably all in favour of the public. So far, indeed, from there being anything like a suspicion of what was called "a job" in this matter, the Duchy of Cornwall would have been perfectly satisfied to remain in their old quarters. The hon. and gallant Member for Bath (Captain Scobell) had made one of those, he might say, habitual attacks on purchases that were so common in that House, and on a former occasion had found fault with the purchase at Kensington Gore on account of its expense. He then stated that 200,000*l.* had been paid for twenty acres of land, whereas the fact was, that it was not twenty, but ninety acres of land that were purchased; and, therefore, when the hon. and gallant Member for Bath wished to establish his reputation for economy, and made his attacks on these purchases, he ought to be more statistically correct in his figures. Neither could he agree with the hon. and gallant Captain, that the site of Burlington House was eminently qualified for a National Gallery. Before they determined what was a good site for a National Gallery, they should come to a conclusion as to what was meant by a National Gallery. He thought that the present National Gallery was the greatest disgrace that existed in this country, and he would much sooner there was no institution bearing the name than that the small collection in the present institution should be where it now was in this metropolis. In his mind, the site of Kensington, which had been recommended by a Committee of that House, was not too small for a National Gallery, a great palace of art, worthy of this nation, and he earnestly hoped no attempt would again be made to raise a National Gallery, such as a National Gallery ought to be, unless they attempted to do something really worthy of the country and the subject. There was nothing on this question so important as that which the Chancellor of the Exchequer had so strongly impressed on the House, of every existing Government seizing upon every opportunity that presented itself of purchasing such spaces of ground in the metropolis as might be thrown upon the market. It was absolutely necessary to avail themselves of these opportunities of promoting the public service, and that in no niggardly spirit. It was of the utmost importance that they should have more accommodation for the public offices, and it was hardly less important that the public servants should be as much as possible brought together by the contiguity of the offices in which they were placed. Indeed, contiguity was, to a certain degree, as valuable as additional space. For these reasons, if the Government recommended the purchase of those three acres and a half of ground at Burlington House, he would be prepared to support them. But there was one point on which he wanted some information. He was himself so impressed with these feelings when in office that when a distinguished nobleman, who held a Crown lease which was about to cease, wished to have that lease renewed, the Board of Treasury, of which he was a member, refused the renewal. Application was made to have the lease of Montagu House renewed by the Duke of Buccleuch, a nobleman who was respected by every Member of that House; but it appeared to the Treasury that the claims of the public service were so paramount that hey were not at liberty to renew the lease. On that occasion he felt it his duty, remembering that Montagu House stood in the immediate vicinity of the public offices in Downing Street and Whitehall, to retain the site for the use of the public; but no sooner was he out of office than that decision of the Board of Treasury was rescinded, and the lease of Montagu House was renewed to the same distinguished nobleman he had already referred to. Although he was fully prepared to support the purchase of Burlington House, because he thought it conducive to the public good, still, he thought, for the reasons expressed by the right hon. the Chancellor of the Exchequer himself, he ought not to have rescinded the resolution arrived at by his predecessor with respect to Montagu House, and that that very important and valuable site should have been preserved for the public use.

THE CHANCELLOR OF THE EXCHEQUER said, the latter point adverted to by the right hon. Gentleman required an explanation. As he understood that statement, the right hon. Gentleman said, that at the time he left office, the renewal of the lease of Montagu House to the Duke of Buccleuch had been refused, but that on the coming of Lord Aberdeen's Government into office, they had granted what had been refused by the previous Ministry. The subject had not been brought before him for some time, and he would not now enter into details on the subject; but he would frankly own that the right hon. Gentleman was quite right in calling attention to the matter, for he (the Chancellor of the Exchequer) was distinctly of opinion that an error had been committed in renewing the lease in question. With respect, however, to the time at which, and the persons by whom the error had been committed, he would not now say anything, as it was capable of being shown by full documentary evidence. He thought, therefore, it would be better, with the leave of the Committee, to allow the matter to stand over till the earliest period at which these documents could be produced. For once the right hon. Gentleman and himself were happily agreed as regarded opinions and principles, but with regard to terms he was afraid that they would not be so much of one mind. If the Committee would allow him to look up the documents, there should be an opportunity of their coming to a full judgment on all the facts of the case.

Mr. SPOONER said, he must confess, that what had fallen from his right hon. Friend (Mr. Disraeli) had made him more determined to take the sense of the Committee upon this Vote. Instead of taking this grant for Burlington House, he would venture to recommend to the right hon. Gentleman the Chancellor of the Exchequer to sell the property at Kensington. It appeared to him (Mr. Spooner) that there was some secret about the Kensington property which he thought ought to be unravelled, for it was impossible that ninety acres of land could be required for a National Gallery. He could give no better name to this matter than that it was an extravagant job.

Mr. DEEDES said, he wished to know whether it was the intention of the Government, if they purchased this property, to pull down the building?

The CHANCELLOR of the EXCHEQUER said, that he thought it would be an unreasonable and extravagant application of the ground to keep the house standing; but it was premature for them at present to come to any decision upon this point.

Mr. HENLEY said, he thought that the purchase of the ground in the present case was a good bargain, but he must beg to say that his approval of this did not bind him to sanction any scheme the Government might bring forward with reference to this ground.

Sir WILLIAM MOLESWORTH said, that when the plans had been prepared, an opportunity would be afforded the House of fully expressing an opinion on them.

Question put.

The Committee *divided:*—Ayes 143; Noes 23: Majority 120.

Vote *agreed to.*

(4.) 10,000*l.* New Consular Offices, &c. Constantinople.

Lord DUDLEY STUART said, he objected to the form in which the Vote had been placed upon the Estimates, inasmuch as no information was afforded as to what amount of money was to be expended under each of the heads to which the Vote was to be applied. So far as the item relating to the hospital was concerned, he could only say that nothing could be more necessary than the erection of such a building. A medical officer, residing at Constantinople, had borne testimony to the inadequate provision at present made in that capital for the relief of such of our seamen as might be attacked by illness. The gentleman to whom he referred stated that the present hospital was much too small; that it was impregnated with filth of every description; that it afforded no means of effecting a separation between those who were afflicted with infectious diseases, and those who were not; that the diet provided for the sick was insufficient in quantity and bad in quality; that there was no surgical apparatus kept in the hospital with the exception of a few splints; and, in short, those unfortunate patients who were placed there while suffering under severe illness, had but a very small chance of recovery. Such was the accommodation that was provided for our poor merchant seamen; and he having himself seen the hospital, was bound to say that the description given of it by the medical officer whose statement he had just quoted by no means exceeded reality. Notwithstanding, however, the nature of the accommodation, those who were forced to become inmates of the hospital in question were obliged to pay out of their wages sums which, regard being had to the character of the relief which they received, were enormous. The French hospital at Constantinople presented the greatest possible contrast to the English hospital, and both by day and night the sick in it were carefully attended to by those estimable women, the Sisters of Charity, and paid only one-third of the amount exacted from the English seamen in the British hospital. When in Constantinople, he told Lord Stratford de Redcliffe, who out of his own private resources contributed munificently to the charity, that he had been requested to bring the state of the hospital under the notice of the House of Commons, and that noble Lord expressed a hope that he (Lord D. Stuart) would do so, as much good might be effected by calling public attention to the matter. The hospitals in Constantinople for the use of the Turks were magnificent buildings, both for the military and for civilians of all ranks. He found the same to be the case at Adrianople. When he found these infidels acting in this noble way, he felt shame at the contrast which the hospitals of this great Christian country presented. He had felt it his duty to call the attention of the Committee to this subject, and he hoped his right hon. Friend the Chief Commissioner of Works would inform the Committee how much money was to be appropriated to the building of a new hospital at Constantinople, and would at the same time give them some assurance that regard would be paid to the interior arrangements and to the comfort of the sick.

SIR WILLIAM MOLESWORTH said, that one object of the Vote was to remedy the defect of the present hospital at Constantinople, and another object of the Vote was to build new consular offices and a prison. The estimated cost of the new offices was 5,400*l.*; of the hospital, 3,400*l.*; of the prison, 2,600*l.*; and other contingencies, 1,911*l.* It was calculated that the time it would take to erect the hospital would be about two years. At the expiration of that time, he hoped they would have a hospital in Constantinople which would be fit for the reception of British sailors, with an efficient medical staff to minister to their wants.

COLONEL DUNNE said, he wished to know under whose superintendence the building would be placed, and whether the sailors would be charged anything for the medical services required by them?

MR. J. WILSON said, the Consul General was charged with the whole of the arrangements. He thought the noble Lord (Lord D. Stuart) was misinformed when he stated that the sailors were charged very highly at the hospital. The charge made to them was very low. The arrangement made for the support of the hospital in future was this—the English merchants had consented to pay a tonnage on all merchandise taken into port for the purpose of maintaining the hospital, so that he did not think any charge would henceforth be necessary to be made on the sailors.

LORD DUDLEY STUART said, the hon. Secretary of the Treasury had given a flat contradiction to his statement. He (Lord D. Stuart) had said that the sailors paid a very extravagant sum for hospital accommodation. The hon. Gentleman got up and said that they paid a very low sum. Now, he would repeat, when he was at Constantinople he was told that the men had to pay a great deal more for their accommodation at the hospital than their own wages amounted to—that they had to pay between five and six pounds a month, while they were only receiving three pounds a month wages. He begged to express a hope that the noble Lord the President of the Council would communicate upon this subject with the Secretary of State for Foreign Affairs, so that this monstrous evil might be immediately corrected.

SIR THOMAS ACLAND said, he thought a Vote of 3,400*l.* was a small sum for the erection of a hospital, and he should like to know what was the average number of sick persons to be provided for?

SIR WILLIAM MOLESWORTH said, that accommodation would be afforded for forty patients, which was considered to be quite sufficient.

MR. LAYARD said, the Ambassador's palace at Constantinople had cost an enormous sum, but it was only proposed to lay out 3,400*l.* in the seamen's hospital. He could bear testimony to the description which had been given of the present hospital, and he begged to ask whether it was intended that the new hospital should be built of wood or stone, because, in Constantinople, that made a great difference? There was a large amount of fees paid to the Consul General in Constantinople, which, he believed, were destined for this establishment.

MR. J. WILSON said, no fees went to this establishment. The Consul General there was obliged to hold a court of justice, and the fees went to support it.

MR. LAYARD said, he did not see any reason for so large a sum as 5,400*l.* being appropriated to the erection of offices for the Consul, when it was known that he already possessed what might be termed a palace in Constantinople. He would again inquire whether the hospital would be built of stone or of wood?

LORD JOHN RUSSELL said, that it was the intention of the Government that the hospital should be built of stone. In answer to his noble Friend (Lord D. Stuart), he begged to state that he would immediately communicate with his noble Friend the Secretary of State for Foreign Affairs on the subject of the hospital at Constantinople.

Vote *agreed to.*

The House resumed.

METROPOLITAN SEWERS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD SEYMOUR objected to proceeding with the Bill at that late hour. An outlay of 600,000*l.* was involved in the provisions of the Bill, and the House ought to be fully acquainted with all the particulars before proceeding further with it. Many details of the Bill also required further explanation.

SIR J. V. SHELLEY hoped the noble Lord would reconsider the 6th clause, which would materially interfere with the interests of the wharfingers along the banks of the Thames. That clause would be likely to cause a great outcry on the part of those interests.

SIR B. HALL said, another point of great importance was the cost of erecting embankments against the tidal waters. The whole expense of this would have to be borne by those occupying the frontage, while those behind would enjoy the advantage of having their property defended. They surely ought to be liable for some portion of the necessary expenditure.

SIR J. PAKINGTON moved the adjournment of the debate.

Amendment proposed, "That this Debate be now adjourned."

VISCOUNT PALMERSTON said, that the clause referred to had been suggested to him by persons who believed that their operation would be beneficial. The principle of the Bill was, that the local authorities should make their own sewers, so far as they could, and reserve to the direction of the Commissioners the construction of the great trunk lines which were to carry off the general sewage of the whole metropolis; and it was in accordance with this principle that he had agreed to these clauses. Should the machinery prove in any respect imperfect, it could be amended. His anxiety had been to render this Commission as far as possible representative of the wants of the metropolis. He had, therefore, requested the Members for the different boroughs each to recommend a Commissioner, which had been done. The Commission, therefore, although nominated by the Crown, would represent the interests of the various districts. It would be for the Commissioners, and not for the Home Secretary, to determine the question of square or tubular drainage. The 600,000*l.* to which it was proposed to extend the power of the Commissioners to raise by loan, was necessary, to enable them to commence the construction of the two great out-fall drains, one for the north and the other for the south side of the river; works which the hon. Member for Lambeth well knew were of urgent necessity; and if the Bill were not agreed to, they would be delayed for another year. It was possible the machinery might not be quite perfect, but he would endeavour to make it so. If the House objected he would not press the going into Committee that night.

LORD SEYMOUR said, that, so far from the power of authorising the formation of separate sewer districts being left in the hands of the Commissioners, the Bill expressly placed the power with the Home Secretary.

VISCOUNT PALMERSTON said, he was going to make an alteration in the Bill to transfer this power.

Motion and Original Question *withdrawn;* Committee *deferred* till To-morrow.

RUSSIAN GOVERNMENT SECURITIES BILL.

Order for Committee read.

House in Committee.

MR. J. WILSON moved that the Committee be further postponed till to-morrow.

LORD DUDLEY STUART said, the debate was formerly adjourned to allow of the presence of the law officers of the Crown. Both of them were now present, and he did not think it would be unfair to go on with the Bill, more especially as they had also present the leader of the Opposition to the measure in the person of the hon. Secretary to the Treasury.

SIR JOHN PAKINGTON said, he thought the difficulty in which they were now placed, was owing to the Government taking the unusual and inconvenient course of proceeding with Supply till past one o'clock in the morning. But for that they might have been able to dispose of this Bill; and, under these circumstances, it was right that the Bill should be disposed of one way or other. They had had the strongest possible language used on this Bill by the noble Lord the Home Secretary, and they had had equally strong language used by another Member of the Administration; and he therefore thought they had a right to know what the views of the Government were with respect to this Bill. But, instead of that, what had taken place? It was adjourned on Wednesday, merely that they might have the opinions of the law officers of the Crown. Well, the law officers were now present, the Members of the Government were present, the supporters and opponents of the Motion were present, and yet they were told they could not go on because the Votes of Supply had driven them over till two o'clock in the morning.

MR. J. WILSON would remind the right hon. Gentleman that, had the salutary Motion to prevent Motions being made before going into Supply been properly carried into effect to-night, they would not have been so late.

THE SOLICITOR GENERAL said, that if it was the pleasure of the House to proceed with this Bill, it would be undoubtedly necessary to make some important alterations in it. If the Committee would agree that the Bill should be postponed till Tuesday or Wednesday, then, without pledging himself to an approbation of the principle of the Bill, he would take into consideration what the form of these Amendments should be.

MR. I. BUTT said, this was no answer to the appeal which had been made, whether it was the intention of the Government to allow the discussion on this Bill to be renewed during the present Session, or whether it was to be thrown overboard by being fixed at an hour when it could not be proceeded with. This matter was of the more importance, because what the hon. and learned Gentleman had just stated was at variance with the assurances which had been given to the House by his noble Friend (Lord D. Stuart). The hon. and learned Solicitor General had been prudent enough not to pledge the Government upon this subject, as it would be difficult to do upon any subject on earth. But his noble Friend had on a former occasion assured the House that not only did the hon. and learned Gentleman approve of the principle of the Bill, but that he did so in the most marked manner, by suggesting an Amendment to be proposed on the third reading. The Bill was approved by the greater number of the House—["No, no!"] Yes, it was supposed by an overwhelming majority, and even some of those who opposed it, like the hon. Member for Huntingdon (Mr. T. Baring), did so on the ground that the Bill ought to have been undertaken by the Government. Here, then, was a Bill on which the Government was divided—a Bill on which the noble Lord the Home Secretary had contrived to fix the eyes of Europe; and yet they had no one to tell them what the intentions of the Government were. He did not know whom to address as the leader of the House. He would ask the hon. Gentleman the Secretary to the Treasury (Mr. Wilson) who was the representative of the ascendant party in the Government? Was it the noble Lord opposite, or did the opinions of the noble Lord the Home Secretary prevail? He hoped one or other of them would give the Committee an assurance that this discussion would be resumed some other day.

THE SOLICITOR GENERAL said, as the hon. and learned Member for Youghal had attacked him for having abstained from giving an opinion, he would now state that the Bill had been prepared with the most laudable disregard of everything that ought to have been attended to in its composition. He had desired delay in order that the defects in this notable measure might be rendered less glaring. Though the Bill was framed—as he told the noble Lord (Lord D. Stuart)—in accordance with the spirit of the law, yet it was framed with the most perfect neglect of all the interests of British merchants in all their dealings with neutral nations. And though, as the House had approved of the principle of the Bill, and as they were now in Committee, it was not necessary that he should express his opinion of its principle, and he was anxious, therefore, to confine his attention to its defects; yet he would now inform the hon. and learned Member that, in the first place, there was hardly anything that was written in the Bill which ought to remain, and next, that if there was anything which did remain, it ought to remain with a vast number of qualifications in order to prevent mischief and to render it as powerless and as little operative as possible. Now take the first words of the Bill—

"If any person or persons shall purchase or sell any shares or securities for a debt, or for any

> other purpose accept, or assign, or transfer, or offer as security for any debt or claim, and give over, assign, or transfer any part of these prohibited loans, he shall be guilty of misdemeanor."

So, supposing that at Amsterdam any merchant should be bankrupt, or should make any assignment of his property for the benefit of his creditors, amongst whom British merchants would be the principal creditors, should they, therefore, accept this assignment, although they might do so in perfect ignorance of the fact that amongst this property so assigned there was some portion of these prohibited articles, they as British merchants would be guilty of misdemeanor. If, again, any individual should be appointed a residuary legatee, he would be unable to take any portion which might consist of these stocks or loans. For a third case, suppose a Dutch merchant became bankrupt, and an English merchant who happened to be one of his creditors went over to Holland to claim his debt, he would be immediately told that he had no right to any portion, say 50,000*l.*, which might be invested in these loans, because, forsooth, the British Parliament had prohibited it. It appeared that all these contingencies were perfectly unknown to the framers of the Bill, for the Bill was drawn up without any provisions for the case of transactions similar to those which he had just mentioned, into which a British merchant might be drawn without any will of his own. So far, indeed, as the principle itself of the Bill was concerned, which prevented British subjects from dealing directly by their own voluntary acts in Russian loans, it was quite in conformity with the principle of the existing law; but if the measure were permitted to go on he had drawn up a form of words which would prevent the Bill from interfering in transactions in which its operation would be altogether absurd. He would read the terms of this proviso, which he considered necessary to be added to the Bill—

> "Provided only that the provisions of the Act do not extend to or include any British snbject claiming interest in the estate or effects of any deceased person; or the case of any British subject taking the estate or effects of a debtor in execution; or the case of a British subject claiming in any country to be interested under any bankruptcy, insolvency, sequestration, cessio bonorum, or transfer of property in trust for creditors; but that in such cases a British subject may take such shares, dividends, or debts, due or belonging to him, notwithstanding that the same may arise or proceed from the sale or proceeds of any such stock or security."

The Solicitor General

He would lay this proviso on the table, intending to move that it should be added to the Bill.

MR. I. BUTT said, he must complain that the hon. and learned Solicitor General had made a personal attack upon him, and said he was prepared to stand by the Bill. He denied the justice of the hon. and learned Gentleman's criticism. He admitted that the proviso was one which he had himself suggested, and which he would have brought up if the noble Lord the Home Secretary had not himself stated that the Solicitor General was prepared to submit a proviso upon the third reading.

VISCOUNT PALMERSTON said, that certainly what passed in the small hours of the morning did infinite credit to the intellectual and physical vigour of hon. Members. It appeared that they became more energetic, and their spirits and physical energies seemed to increase as the time of night wore away, but he thought, with all deference, that they had not been employing their time to the best purpose. The Bill was one on which considerable difference of opinion existed, but a large majority had affirmed its principle, and he had no doubt that an equally large majority was prepared to affirm it now. It was stated with a good deal of ground the other evening that there were questions of detail in the Bill which required further consideration, and his hon. and learned Friend the Solicitor General had proposed a proviso, which seemed calculated to meet most of the objections which had been raised. This proviso they could not take into consideration now, because they were discussing the question of reporting progress, and as this discussion seemed likely to go on, he was of opinion that they had better report progress now, and as Wednesday was an open day, the Bill might then be taken the first thing.

LORD DUDLEY STUART said, that he did not object to reporting progress, but he trusted the Committee would allow him to say a few words on account of what had fallen from the Solicitor General. The hon. and learned Gentleman had said that the opinion which he had given to him (Lord D. Stuart) with regard to the Bill was given without reading it. He (Lord D. Stuart) must, with all respect, directly contradict this statement. At the time he spoke to the hon. and learned Gentleman, he (Lord D. Stuart) had the Bill in his hand, and the hon. and learned Gentleman looked at it cursorily and expressed himself very much opposed to it. The following day he met the hon. and learned Gentleman, who was kind enough to say, "I have looked at your Bill, and examined it, and think it unobjectionable—except in some particulars." They were the same as the objections which the hon. and learned Gentleman had just stated, which he proposed to remove by a proviso, and the heads of this proviso he wrote down upon the Bill, which he (Lord D. Stuart) then held in his hand. The hon. and learned Gentleman then said that if this proviso were added, he had no objection to the Bill. To this he (Lord D. Stuart) replied that he was willing to accept the proviso, and would draw up a clause to the same effect, and have it added to the Bill. The only reason why no such proviso was prepared and put upon the notices of Motion was, that the hon. and learned Gentleman had himself proposed to draw it up. It did appear to be hardly fair, after this, that the hon. and learned Gentleman should now say that there was hardly a single word in the Bill which ought to remain in it. He thought it would have been more in accordance with courtesy and with consistency, considering the kind communications that he had made to him on the subject, if he had allowed him to see the proviso after he had drawn it up.

THE SOLICITOR GENERAL said, this would be a lesson to him not to have any communication on Bills with respect to which he had no official duty to perform. He had communicated to the noble Lord, in answer to the question which he had put to him, having first misapprehended his Bill from his own statement of it, and having understood that it was intended to apply to Russian stock generally. He was afterwards told that it applied to Russian stock created since the declaration of war; and he then stated that it was in conformity with the general spirit of the law. The Committee would bear him out in saying that he was unwilling to express any opinion on the merits of the Bill, or to take any part in the discussion, except to do what he had told the noble Lord he was willing to do, to frame a proviso, which would make it more like what it ought to be, and as little objectionable as possible in case the principle were to be approved of.

House resumed.

Committee report progress.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Friday, July 28, 1854.

MINUTES.] PUBLIC BILLS.—1ª Chancery Amendment.

Reported—Convict Prisons (Ireland); Indian Appointments, &c.; Admiralty Court.

3ª Sale of Beer, &c.; Reformatory Schools (Scotland); Ecclesiastical Jurisdiction; Stock in Trade Exemption; Common, &c., Rights (Ordnance); Land Revenues of the Crown (Ireland); Highways (Public Health Act); Public Libraries.

SALE OF BEER, &c., BILL.

Bill read 3ª (according to order).

THE EARL OF HARROWBY explained the Amendments of which he had given notice. The first Amendment would enable public-houses to be open on Sunday from one o'clock to half-past 2 P.M., thus giving an extension of half an hour beyond the time fixed originally in the Bill. The next Amendment would allow them to open again at 5 o'clock P.M., and remain open till 10 P.M. in the winter and till 11 P.M. in the summer, but requiring that no liquor should be served after 10 P.M. The object of the latter alteration was to meet the case of those persons who sought recreation in the neighbourhood of London on Sunday, and required refreshment. Whilst locomotion on Sunday was allowed, it must of necessity be accompanied by some provision which would secure to persons travelling the means of obtaining refreshment. Refreshment was an incident to locomotion, and he did not see how the two were to be separated. He hoped that with these Amendments the closing of these places of public entertainment would be secured in the summer at 11 o'clock P.M. at the latest, and at 10 P.M. in the winter, which he thought would be a material improvement, and one that would considerably promote public order and decency on the Lord's Day.

LORD REDESDALE said, he considered that while 300,000 persons went out every Sunday upon pleasure excursions, it would be difficult to interfere with the means of providing them with refreshments. Their object should be to combine as far as possible consideration for the necessary requirements of these people with regard for public order. There was, however, this difficulty in dealing with this matter—that while in the large towns from which the excursionists proceeded in the morning, and to which they returned probably late at night, the hour of 10 or 11 o'clock P.M. might not be too late to allow refreshments to be supplied to them, it might be altogether too late in the country.

THE EARL OF HARROWBY moved his first Amendment, that 5 o'clock P.M. be substituted for 6 P.M. as the hour at which public-houses might open in the afternoon.

THE EARL OF SHAFTESBURY said, that he would make no objection to the first Amendment of his noble Friend, for allowing public-houses to be open from one to half-past two on Sundays; but to the second Amendment he could not agree. The Bill as it originally stood proposed to limit the sale of beer on Sunday evenings to the hours between six and nine o'clock, but to meet all reasonable demands the time had been extended to ten o'clock, and with that provision the Bill received the sanction of the other House, and came up to their Lordships. Now, however, his noble Friend proposed to extend the hours to from five to eleven o'clock, instead of from six to ten—making a difference of three hours as compared with the first Bill, and allowing these places to be open for six consecutive hours. Thus the positive gain to the better observance of the Lord's Day, after all the exertions that had been made, and the strong and general feeling that had been expressed on the subject, would, if this latter alteration were adopted, only amount to two hours and a half, namely, the closing of public-houses from half-past 2 to 5 o'clock P.M. The demand of the country was not merely for a modified restriction, but for the closing of these places during the whole of Sunday, the immense body of the evidence taken before the Select Committee of the other House from witnesses belonging to all classes most emphatically supporting that more stringent regulation. Therefore, the mere closing of public-houses for two hours and a half more than was the case at present would be a very inadequate and most unsatisfactory adjustment of this matter. When the people were most anxious to see this great social reform introduced for the benefit of themselves and families, he thought their Lordships should render every assistance to the carrying out of an improvement so ardently desired; and nothing could give him more pain than to see Amendments proposed in their Lordships' House which would defeat the Bill that had been sent up from the House of Commons; because it might be said that their Lordships had not so much sympathy for the improvement of the social condition of the people or so much consideration for their wishes, or so much knowledge of what concerned their welfare, as the Committee of the other House, who had taken evidence on this subject, and sent up this Bill. He would therefore certainly take the sense of the House against the second of his noble Friend's Amendments, and endeavour to have the Bill adopted as it came up from the House of Commons.

THE BISHOP OF LONDON would support the noble Earl (the Earl of Shaftesbury) in his opposition to the second of these Amendments. The alterations now proposed would go very nearly to destroy the whole value of the measure. He had been the humble instrument in inducing their Lordships to agree to the existing law, which closed public-houses in London till one o'clock on Sundays, and the most beneficial effects had resulted from that regulation. Subsequently when a Police Bill for Liverpool was proposed, their Lordships consented, at his suggestion, to insert a clause closing public-houses in Liverpool also till one o'clock on the Lord's Day; and influential individuals in that town, who had remonstrated against the provision when it was first proposed, had since frankly confessed to him that their opinion had since then been entirely changed by actual experience of its salutary and beneficial operation. The four hours from six to ten o'clock at night was surely a long enough time for any one to spend in drinking at a public-house on the Lord's Day, and to restrict them to that time would be doing no injury to the working classes, but a real benefit to them, and especially a benefit to their wives and families. He had no wish to prevent the people from enjoying proper recreation, and he admitted that they could not compel them to be religious by law; but Parliament had in its power to remove from them strong temptations to violate the precepts of morality and religion. Protracted habits of intemperance tended not only to the ruin of their own souls, but to the impoverishment of their wives and families; and he therefore hoped their Lordships would not consent to relax the fair and moderate restrictions contained in this Bill, in the shape in which it came up from another place.

THE MARQUESS OF CLANRICARDE

said, that it would be a great hardship to artisans and others who were obliged to live all the week in crowded neighbourhoods, and who wished to pass the Sunday, or part of it at least, in the country—at Windsor, Hampton Court, or some similar place—to be debarred from obtaining the comfort and refreshment which were needful for them. The real question contained in this Bill turned on the want of a proper definition of the word "traveller;" and though he had no objection to see public-houses closed in the large towns, yet he believed that great discomfort and hardship would be occasioned to excursionists and others for the want of a proper understanding as to who were and who were not to be considered "travellers."

On Question that the words fixing the hours from 1 P.M. to 2 P.M. be omitted for the purpose of inserting words extending the period to 2½ P.M.; Amendment agreed to.

On Question that the words fixing the hours from 6 P.M. to 10 P.M. stand part of the clause.

Their Lordships *divided:*—Content 24; Not Content 15: Majority 9.

Amendment *negatived;* Amendments made.

Bill *passed* and sent to the Commons.

MEDICAL GRADUATES (UNIVERSITY OF LONDON) BILL.

Lord MONTEAGLE *moved*, That the Committee (which stood appointed for this Day) be *put off* to *Tuesday* next.

The Duke of ARGYLL wished to state, that since the discussion on this Bill the other night, he had seen deputations from the various Universities, and also from the various licensing bodies connected with the medical profession, but he did not find that any of these gentlemen were in favour of this Bill; they all objected, without exception, to it, either upon one ground or another. They thought that the London University had not a better claim to the privileges proposed to be conferred upon it by this Bill than the other Universities in different parts of the kingdom. He (the Duke of Argyll) had no objection to granting to the graduates of the University of London degrees entitling them to practise medicine; but he contended that if they adopted this principle they ought to go further, and give them the right also to practise surgery, pharmacy, and all the other branches of medicine. He understood that there was a doubt whether the word "physic" would not include surgery and pharmacy as well as pure physic, and whether, by this means, the Bill would not have a larger operation than was intended. He meant no disrespect in any way to the London University by the disapproval he felt bound to express as to the present measure, and he would take that opportunity of expressing the sincere gratification he experienced on a late occasion, when present at the distribution of the prizes at the London University, at seeing some of the young men carry away the highest prizes in the most exalted department of medical science. There was nothing in the present Bill which was in any way calculated to effectually carry out the great principles of medical reform, and the difference of qualifications that were required by the several Universities would throw almost insuperable difficulties in the way of carrying the present measure into effect. Again, he could not understand, if we admitted the graduates of London and Durham Universities to the benefit of this Bill, upon what principle it was the graduates of the Dublin and Scotch Universities were to be excluded. He did not think there was anything in the argument that this Bill was only the fulfilment of the pledge given to the founders of the London University; and, in Committee, he should certainly move the insertion of a clause to provide that the Universities of Scotland and Ireland should possess the same powers as it was proposed to confer on the London University by this Bill. The great objection, however, that he had to the Bill was, that it prejudged the great question of medical reform, and did so in order to favour the University of London, to the exclusion and injury of other and the older Universities.

Lord MONTEAGLE said, that the only operation of this Bill would be to give the graduates of the University of London not a general right to practise, but only the same privileges which were possessed by the graduates of the Universities of Oxford and Cambridge. The Bill was the fulfilment of a pledge, made at the time of the foundation of the University of London by the Government of the day, that the new University should be treated with the same favour as the others. It had been supported in its passage through the other House by the noble Lord the Secretary of State for the Home Department, and every Member of the Government who was present; he could not, therefore, understand the noble Duke's opposition to it. He should not be so earnest in support of the Bill if he were not convinced that it would not in any way interfere with the great principles of medical reform, and if he did not believe that it would be instrumental in effecting a great improvement, without doing injury to any one.

THE DUKE OF ARGYLL said, he had forgot to mention, that only yesterday he had had an interview with the President and Fellows of the College of Physicians, who strongly objected to the Bill, on the ground that it included much more than appeared upon the face of it.

LORD WYNFORD feared that the partial attempt at legislation contemplated by this Bill would merely prejudice the larger and more necessary measures of medical reform.

THE MARQUESS OF LANSDOWNE said, that although the discussion then going on was not one intended to lead to a division, but more in the nature of a conversation than anything else, yet he was induced to take part in it, because he was enabled to confirm the statements both of the noble Lord on the cross-benches (Lord Monteagle) and his noble Friend near him. As to what the noble Lord had said about the London University, there was no doubt that the expectation had always been held out to it of receiving the advantages which this Bill professed to give; and, as far as medicine was concerned, sharing the same amount of favour as the Universities of Oxford and Cambridge. The University of London, having now undeniably proved itself entitled to the approval of the public by the very excellent way in which it had educated the men who resorted to it in the highest branches of medical science, and having, in fact, turned out better scholars in this respect than either the Universities of Oxford or Cambridge, claimed the privileges we had promised to extend to her, and which we could not now, with any grace or justice, refuse to give. He should, while paying a just tribute to the London University, be sorry to throw any disparagement upon other medical and educational bodies; but in these matters praise should be given when fairly earned. As to what the noble Duke had said about the fear which existed lest the words of this Bill might give a more extended power than was contemplated, there was no doubt such a fear did exist, but it could easily be removed by some clause being inserted in the Bill to limit its operation.

Motion *agreed to.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 28, 1854.

MINUTES.] PUBLIC BILLS.—1° Usury Laws Repeal.
2° Court of Chancery.
Reported—Acknowledgment of Deeds by Married Women.
3° Bribery, &c.

MILITIA (No. 2) BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 3 *agreed to.*

Clause 4 (Expense of Storehouse, how to be provided for).

MR. ROBERT PALMER said, he wished to insert at the beginning of the clause the words "one half of," which would have the effect of transferring half the expense of the new establishments from the county rates to the Consolidated Fund. The question was one of very great importance, and, as he saw the noble Lord the Secretary of State for the Home Department in his place, he would beg to ask him whether, after the discussion which had taken place on the subject, he would not give his consent to this Amendment. Memorials had been agreed to at quarter sessions, in which the memorialists stated that they had always considered that the charges in question ought not to be defrayed out of the county rates, but, inasmuch as the militia was a national force for the general protection of Her Majesty's subjects, they were of opinion that it should be borne by the nation at large. He admitted that for many years the counties had been called on to provide for the expense occasioned by the militia force, but he thought, when that expense was so much extended by the introduction of a new system, they ought not to be compelled by Act of Parliament to bear the burden of the new charge. It was unnecessary for him to raise any of the points in detail which already had occupied the attention of the House, but he hoped the noble Lord would give a satisfactory answer, and support a Motion for a national expenditure for the buildings required for the militia, which force, in consequence of the war, had become of national importance—being moved about to different parts of the country to garrison those places which had previously been occupied by the regular troops; and he therefore considered it unfair to tax particular localities for these necessary establishments. At the same time, looking to the fact that the charge for militia storehouses, &c., had been hitherto defrayed by the counties, he did not think it wise to ask for more than was proposed by this Amendment.

Amendment proposed, in page 3, line 20, to insert, at the beginning of the Clause, the words "one half of."

MR. SIDNEY HERBERT said, he thought the proposal of his hon. Friend was founded on misapprehension with respect to the principle upon which the law now imposed on counties the expense necessary for this purpose, and he altogether denied that there had been any change in that principle whatever. [Mr. PALMER: The extent of its application. I did not say principle.] Well, then, with respect to the extent of its application, the Committee must be aware that when improvements took place in any departments of the State they were frequently attended by increased expense; that had been the case with many charges on the Consolidated Fund, and if improvements had been made in the militia establishment which led to increased expense, it was no reason whatever for throwing the burden on the Consolidated Fund. It was a constitutional principle that they should impose local burdens for the support of an establishment which was locally valuable. Another view of the case had been taken, and it was contended that they had no right to make any additional charge on counties unless the counties received something in exchange. But in this case he thought counties had greatly gained by recent changes. Previously to the passing of the Act of 1852, the expense on counties for militia barracks was enormous, and by another change in the law the 6*l.* bounty on volunteers was defrayed out of the Consolidated Fund instead of out of the poor rates, which charge was of a still more local character. Then, again, if sufficient men could not be produced by ballot, there was an annual charge of 10*l.* per man paid out of the county rates, but in consequence of the success of the volunteer principle the necessity for the ballot had altogether ceased, and, indeed, was, practically speaking, abolished. During the last war, the cost of substitutes ranged from 28*l.* to 30*l.*, and there had been paid on that account, in the West Riding of Yorkshire, during that period, the large sum of 75,000*l.* by means of a tax to which every man was liable, and which fell with very different degrees of severity on men with various incomes. From the circumstance, therefore, of the ballot falling into desuetude, the bounty for volunteers being paid out of the Consolidated Fund, and other causes, it was impossible to calculate how large a saving had been effected to counties; he therefore thought that all those circumstances ought to be taken into consideration. Then, again, in many counties storehouses were completed, and in others they were in progress; if this principle were adopted, there would be the greatest difficulty in computing the exact charges to be defrayed out of the county rates. It would be very unjust to those counties which had built their storehouses—perhaps, in some cases, with borrowed money—if they were to be left to get rid of their debt as they could, while Government relieved those counties which had been unwilling or laggard in the matter from half the necessary expense. Great facilities had been given to counties for raising money for the purpose of extending the storehouses: and as this was a constitutional and local force, was it right to transfer the charge of the establishments to a great degree on the Consolidated Fund at the moment they had introduced a system of relief for counties? He thought not; and hoped the House of Commons would continue the existing system, which had stood the test of many years, and by means of which the expense of the storehouses in question had been defrayed out of the county rates. For these reasons, therefore, he opposed the Amendment.

MR. HENLEY said, he suspected that the ballot had not been adopted, not with the object of relieving persons interested in land, but because he believed the Government considered that one volunteer was worth a dozen pressed men. The counties were still liable to the ballot if men did not volunteer; and if that was resorted to and failed to raise the requisite force, the counties would still be liable to pay the fine imposed upon them by law if they failed to levy the appointed force. It could not, therefore, be said that they had been relieved from this charge. It was said that there was nothing new in the principle of imposing this charge upon the counties; and there was no doubt that the principle of "paying" was old enough; but the right hon.

Gentleman certainly proposed to extend its application to the counties very materially by this Bill. This charge was unquestionably originally imposed on the land; but it should not be forgotten that the relative value of landed and other property had very much changed since that time. Many charges had been removed from the land on this ground; and he thought they ought to follow these precedents with regard to the charge now in question. The militia was a national force, and its expense ought, therefore, to be borne by the country at large.

VISCOUNT PALMERSTON said, he considered that the arguments of his right hon. Friend (Mr. S. Herbert) were perfectly conclusive, and that they had not been shaken by the observations of the right hon. Member for Oxfordshire (Mr. Henley). The only reason that had been urged for the transfer of these charges from the public revenue to local taxation was, that some material change had been made which justified such a transfer, for, if things now remained in all respects as they were when the Militia Acts were originally passed, there could be no ground or pretence for requiring any alteration. Now, what was the change that had actually taken place? It was said, that during the last two years, more extensive accommodation had been demanded with regard to storehouses than had previously been required. He admitted this, but the demand had not involved any great increase of expense. If, however, the law had required that somewhat more extensive accommodation than previously existed should be provided, on the other hand the law had allowed the distribution of the charge for this accommodation over a long period of time, so that he believed in many cases the addition to the county rates would not exceed a halfpenny in the pound for the period during which the charge would apply. Now, he thought such an addition to the rate would be hardly perceptible. [Mr. HENLEY said, that it would form one-sixth part of the whole county rate.] Well, if that were so, he (Viscount Palmerston) did not think there was much cause to complain of the weight of the tax. It must be remembered, however, that the inhabitants of counties had been relieved, not only from the pecuniary burdens incidental to the ballot, but from the great personal inconvenience which they suffered from the ballot; for the arrangements connected with the ballot were not only attended with expense, but with a great deal of personal trouble, which, in the case of the persons who were subjected to it, was equal to pecuniary loss. It was true that the ballot still remained part of the law, and he thought the abrogation of the ballot would be inexpedient, but he certainly could not conceive a case likely to happen in which it would be necessary to have recourse to the ballot. Voluntary service was, unquestionably, infinitely preferable to compulsory service, and the great increase of population, together with the admirable spirit which had been displayed by the people throughout the country with regard to the militia force, certainly justified the Government in considering that there could not be any necessity for having recourse to the ballot. It was said that the militia was a national force, but it was no more a national force now than it had been from its first institution. It had always been a force levied in each county locally, confined to such county for training and exercise during time of peace, but liable in time of war to be permanently embodied and marched anywhere for the general defence of the country. There were, however, circumstances connected with the militia which did very much localise the force and influence its general character. The officers of the militia were not appointed by the Crown, as was the case with respect to officers of the Army and Navy, but were selected by the lords lieutenant of counties, and consisted chiefly of gentlemen connected with the various counties. Therefore, when the militia was called a national force, it must not be forgotten that it had, in its very root, a clear connection with the counties to which the respective regiments belonged. Then he would ask the Committee to consider whether the county charges now remained in the same condition in which they were at the time when the 42 *Geo.* III. was passed? Had not the counties been relieved from many very important charges since that period, such as expenses connected with gaols, with criminal prosecutions, with the maintenance of convicted prisoners, and with the salaries of schoolmasters and surgeons of poorhouses? A great number of charges of this nature had been taken off the counties, and transferred to the general revenue since the period when counties were first required to provide storehouses. When, therefore, because some trifling addition to the storehouses was proposed, with regard to the provision of rooms for half-a-dozen sergeants and guard-rooms—which were, in fact, only what the law always virtually required—in order that the buildings might be sufficient and safe for the custody of arms, clothing, and stores—hon. Gentlemen proposed that this charge should at once be transferred from the county rate to the general revenue; they seemed to him entirely to forget the great relief which had of late years been afforded to counties by the removal of charges which when the law was first adopted were borne by the county rate. He, therefore, considered, viewing the subject as a whole, and looking to the fair balance between the counties and the public, that there was no sufficient and adequate ground for the Amendment proposed by the hon. Member for Berkshire.

Sir THOMAS ACLAND said, he should support the Amendment, upon the ground that it went to carry out the system first introduced by Sir Robert Peel, of charging one half the county expenditure upon the Consolidated Fund.

Mr. YORKE said, he also would support the Amendment. The object they had in view in raising the militia was the defence of the nation, to which, indeed, all the stores belonged.

Mr. J. WILSON said, it was important that the charge should be levied in such a manner as would be most economical, as, whether it was paid by the county rate or the Consolidated Fund, the charge would fall in a great measure on the counties. He could point to a return, showing that the consequence of transferring the charge of prosecutions from the county rate to the Consolidated Fund had been, that the charge had been doubled, and the same result might follow with regard to the militia if this Amendment were adopted. There might have been some reason for this Amendment before, when the counties alone were rated, but by this Bill corporate towns would also be rated, so that the whole fixed property of the country would be chargeable. There was a great outcry against centralisation, but he put it to the Committee, whether the adopting this Amendment was not a step towards centralisation.

Mr. CRAUFURD said, he would refer the Committee to a speech of the noble Lord the Home Secretary, in which he said that what they wanted was a regular militia, and what they did not want was a local militia.

Mr. SIDNEY HERBERT said, a local militia was so called in contradistinction to a general militia, but the whole force was essentially local. If this Amendment were adopted, it would be for Government to consider whether they would go on with the Bill or not.

Mr. BARROW said, the militia had ceased to be a local force, and in proof of this, the Committee must be aware that the Essex militia was stationed in London at that moment.

Mr. W. WILLIAMS said, perhaps hon. Gentlemen were not aware that there were great interests in this country besides the interests of the country gentlemen. He was one of those who had been sent into that House to support the general interest. When that House departed from a correct principle, the departure was always used as a reason for taking another step in the same direction.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 85; Noes 60: Majority 25.

The CHANCELLOR of the EXCHEQUER, in reply to Mr. Henley, said, that the principle which had just been affirmed by the vote of the Committee was a very important one, and the Government would consider what course they would take on the subject hereafter.

Colonel BLAIR said, that in many counties there were barracks now existing which had long been unoccupied, and he wished to know whether such buildings might not be used as storehouses under this Bill?

Viscount PALMERSTON said, he was not aware that there were any useless barracks in the country; but, if that were the case, and such barracks were handed over to the counties, of course the counties must pay for them.

Clause *agreed to*, as were also Clauses 5 to 26 inclusive.

Clause 27.

Colonel NORTH moved the insertion of the following words—

> "Officers of the regular Army or East India Company's service, or who have served five years in the regular Army, Marines, or East India Company's service, shall be admitted into the militia force without any qualifications being required."

Mr. HENLEY said, that one main reason of the success which had attended the raising of the militia was the fact, that so many of the officers were connected with the counties to which the several regiments belonged, and he hoped the Committee would pause, before it agreed to the Amendment.

VISCOUNT JOCELYN said, he did not object to having one or two military officers in a militia regiment, but, generally speaking, he thought the country gentlemen, after a little time, were not surpassed by any officer of the regulars; and most colonels commanding militia regiments would agree with him that it was desirable, as long as possible, to get the country gentlemen to officer that force.

COLONEL NORTH said, the appointment of those officers rested with the lords lieutenant of counties, and he feared that, in many instances, they might be disposed to give notice to quit, in case the regiments were ordered to be permanently embodied.

COLONEL SIBTHORP said, he considered it most desirable that the officers should be gentlemen connected with the county, wherever that object could be attained.

SIR JOHN TYRELL said, he thought the Committee should make up its mind as to the hands in which they would invest the power of selecting officers, because he knew that in some cases considerable difficulty had been experienced when gentlemen were anxious to join the militia. It was the opinion of the late Duke of Wellington, that this power should be placed in the colonels of militia, and not in the lords lieutenant of counties. It was all very well to talk of giving the militia a territorial position, but when he remembered what was the position which country gentlemen occupied in that House, if the noble Lord the President of the Council proposed to inflict the knout upon the agricultural interest generally, he should not be at all surprised. He was anxious, therefore, that the authority should be well defined.

VISCOUNT PALMERSTON said, there were two objects to be kept in view: first, to maintain and encourage the connection of the regiment with the county; and next, to maintain that infusion of military feeling which arose from having a proportion, at least, of officers who had been in the regular Army or Marines. The choice of officers rested, as he thought, very properly, with the lords lieutenant of counties; and he did not think it likely that a lord lieutenant, acting, as of course he would do, in communication with the colonel of the regiment, would be disposed to set aside any young men of the county who were willing to serve and take commissions in a militia regiment. His first choice of candidates would certainly be from among the youth and gentry of the county. Still he knew, from looking at the returns, that there had been some difficulty in filling up the post of captain from particular circumstances, and also great inconvenience in getting subalterns, for, the pay being chiefly for the training period, young men of a certain condition did not like to incur the expense of equipments. He thought the clause of the hon. and gallant Colonel, if given effect to, would assist in getting for subalterns qualified persons, who might expect, if a vacancy occurred, and there were no very eligible candidate among gentlemen of the county, that they would get promoted to the captaincy. In many regiments there were one or two captains who had served in the line, and a very small infusion of military habits and experience ripened the rest of the regiment in a very rapid and extraordinary way. He would, therefore, agree to the Amendment.

MR. EVELYN said, he had great respect for lords lieutenant of counties; but the Committee should remember who they were, and that they received their appointments generally upon political considerations alone. The colonel, as the man who was responsible for the discipline and efficiency of the regiment, ought, he considered, to be vested with the power of selecting the officers; and the system now in operation of vesting that power in lords lieutenant of counties was an anomaly.

LORD HOTHAM said, he had lately observed in the *Gazette* the appointment of an individual, whose name he did not remember, as an "honorary colonel." Now, as that appointment was, he believed, a novel one, he begged to ask the noble Lord what circumstances had led to its creation, what duties attached to the office, and what authority it conferred?

VISCOUNT PALMERSTON said, when he first took this matter in hand, he was struck with the fact that considerable inconvenience frequently arose from the circumstance that regiments of the line were practically commanded by lieutenant colonels in quarters and in the field, whilst militia regiments were under the command of full colonels. The result was, that when a militia regiment came into the quarters of a regiment of the line, the militia colonel took the command over the lieutenant colonel of the line; and with all deference to militia colonels in general, one would not suppose that they were, either from habits or experience, altogether the best people to take the command of the troops in a garrison town. On the other hand, he felt it to be of great importance to maintain the link between the regiments of militia and the landed gentry of the county, and that great advantage generally arose from having in command of a regiment of militia some landed proprietor, who, by his personal influence and connections, might assist in raising men for the regiment, and so connect it with the gentry and inhabitants of the county. It was, therefore, determined that, with regard to all future appointments, the regiments of militia should be commanded in the same manner as a regiment of local militia during the war, by a lieutenant colonel commandant, and not by a full colonel. And he had issued a circular to the lords lieutenant of counties to the effect, that if any existing colonel placed himself in regard to his regiment on the same footing on which a general officer of the Army stood in regard to the regiment of which he was the colonel, he should be at liberty to do so; that was to say, he should retain his rank and position as colonel, but no longer interfere with the internal arrangements of the regiment in quarters or in the field, whilst he would be the channel of communication between the lord lieutenant and the regiment in regard to appointments and all other questions, with the exception of those relating to military discipline in quarters and in the field. He also stated in the circular, that with regard to future appointments, if in any particular case the lord lieutenant thought the appointment of such an officer to a regiment when a vacancy occurred would be conducive to the good of the service, no objection would be raised to that appointment being made. This, then, was the position of the honorary colonel to whom the noble Lord referred. He was an officer who held the rank of colonel of a regiment, wore the uniform of a colonel, and stood in the same relation to his regiment that a general officer did to a regiment of the line of which he was the colonel.

LORD HOTHAM said, that while thanking the noble Viscount for his explanation, he thought that the efficiency of a militia regiment depended very much on the time it was kept together, and during the last war there were regiments of that description in a far higher state of discipline than regiments of the line in this country. He ventured to doubt whether, under the new arrangement, the system would work well, nor did he think country gentlemen would be willing to accept the office of honorary colonel to which no military duties attached. There was another point to which he begged to call the attention of the noble Lord. He wished to ask whether, when two militia regiments came together, one commanded by a country gentleman and the other by an officer who had served in the line, the officers would take precedence according to the date of their commissions in the militia regiment, or whether the officer who had served in the line would be at liberty to date his commission from that time?

VISCOUNT PALMERSTON said, he must disclaim the slightest intention of casting any reflection upon the militia regiments of the country, which were in the highest state of efficiency, as proved by the fact that the inspecting officers on some occasions had actually taken some of the militia officers to be old soldiers. With regard to the question of the noble Lord, he thought it better that militia officers should rank together in accordance with their commissions in the same service rather than that any difficulty should arise in relation to a commission they might have held in either service before.

Amendment *agreed to;* Clause, as amended, added to the Bill.

Clause 28 *agreed to.*

Clause 29 (Non-commissioned officers and drummers offending in certain cases, in which the commanding officer does not think it necessary to bring the offenders before courts-martial, may be imprisoned for any period not exceeding seven days).

COLONEL NORTH said, he considered that the clause would produce a prejudicial effect upon the discipline of regiments by diminishing the influence of the non-commissioned officers. How was it possible that young soldiers especially, who had been subjected to punishment for breaches of military discipline, could entertain proper respect for non-commissioned officers who emerged from prison side by side with themselves? According to this clause, a serjeant major, who ranked next to a commissioned officer, might be put in solitary confinement or imprisoned with hard labour. He begged to move that the words "non-commissioned officer" be omitted from the clause.

Mr. SIDNEY HERBERT said, that under the Mutiny Act, although commanding officers might sentence to confinement for 168 hours private soldiers who had been guilty of certain breaches of military discipline, no such power existed with regard to non-commissioned officers; and as the dismissal from a militia regiment of non-commissioned officers who had previously served in the regular forces was really no punishment at all, inasmuch as they were almost sure to obtain service in some other militia regiment, this clause had been proposed with a view of meeting that difficulty. He was willing, however, to consent that the clause should not apply to non-commissioned officers, and to adopt the Amendment placed on the paper by the noble Member for North Northumberland (Lord Lovaine), which was in the following terms—

> "And if any person who shall have served in Her Majesty's forces, and shall afterwards have been enrolled as a non-commissioned officer on the permanent staff of the militia, shall be discharged from any regiment or corps for misconduct, the cause of his discharge shall be certified by the colonel or commandant of such regiment or corps on the back of the certificate of his discharge from Her Majesty's Army, and a copy of the same forwarded to the Adjutant General of Her Majesty's forces, the Secretary of State for the Home Department, and the Secretary at War."

Colonel BLAIR said, the clause, in its present shape, had created a strong feeling of dissatisfaction among the non-commissioned officers in militia regiments, many of whom had served in the regular Army.

Clause, as amended, *agreed to;* remaining clauses *agreed to.*

House resumed.

Bill *reported* as amended.

CAPTAIN HYDE PARKER—QUESTION.

Colonel BLAIR said, he wished to call the attention of the right hon. Baronet the First Lord of the Admiralty to a statement which had appeared in one of the public prints, and which, in his opinion, had cast an unmerited slur on the memory of a most gallant officer, who had recently fallen in the execution of his duty. He alluded to an article which appeared yesterday in a public journal in allusion to Captain Hyde Parker. There it was stated that "Captain Parker literally threw his life away, without glory to himself or result to the public service." He would not read the whole of the article, but it went on to state —"Nothing would serve but the organisation of a little excursion for the sake of pleasure or curiosity." Now, the fact was, and he could so state from his own personal knowledge and from letters he had received, that the whole statement of that journal was totally void of foundation. He had the fullest reason to believe that this gallant officer, instead of having fallen in the indulgence of "pleasure or curiosity," had fallen in the zealous execution of his duty to his Queen and country; and he should be glad if the right hon. Gentleman opposite would inform the House whether or not despatches had been received which entirely bore him out in this correction of a statement which, having by this time gone, not merely throughout the country, but well nigh throughout Europe, required, if erroneous, to be corrected.

Sir JAMES GRAHAM: Sir, I am extremely obliged to the hon. and gallant Officer for having put to me this question, which enables me to give an answer which I hope will be satisfactory to him and to the House. The comments to which the hon. and gallant Officer has referred have, I know, inflicted the deepest pain on the surviving relatives of Captain Parker. I need not inform the House that his gallant father, Sir Hyde Parker, only died within the last few weeks, and his widow is in the last extremity of suffering, so severe, indeed, that the friends and relatives in attendance upon her have not ventured to inform her of the death of her son. The House may well imagine what pain such comments would cause to this lady so circumstanced. Those comments, I must say, have been somewhat hastily made under an entire misapprehension of the facts. The Board of Admiralty has taken the earliest opportunity of giving the utmost publicity to a despatch of Admiral Dundas, in which the real facts of the circumstances under which Captain Parker had fallen are officially related, and this despatch will appear in the *Gazette* of this evening. So far from being rash and unauthorised, Admiral Dundas speaks of Captain Parker as having acted in the most gallant manner in the destruction of the batteries outside of the Sulina mouth of the Danube. There were also batteries inside of the passage which Captain Parker thought it was his duty to destroy if possible; and in his boat with an armed party, and attended by another boat, he entered within the passage for the purpose of reconnoitring, when he received a fire of musketry from the battery. Without hesitation he instantly resolved to carry the battery by storm. He landed in the most gallant manner, and was shot through the heart in the execution of his duty. With respect to enterprises of this nature, I must say the public are somewhat hard task-masters. If bold and desperate enterprises are not undertaken, then there is some suspicion that orders have not been given to carry on the war with energy, and even the conduct of those who are employed is somewhat suspected. If, on the other hand, deeds of extraordinary boldness are performed, such as raised Lord Dundonald and other men to great celebrity, then the charge is of an opposite nature. It is imputed to them that they ran needless risk; that gallantry partakes of the character of foolhardiness, and that men who lose their lives in this way have almost received their just reward. I sincerely regret that in this case those observations have been made. Captain Parker was one of the most promising officers in the English Navy. He was the gallant son of a gallant father. On this occasion he acted as became his name, and he fell in the discharge of his duty, a bright example to other officers. I only regret that in the British Navy there is no other Hyde Parker now left; and I hope this House and the country will, at all events, be just to the memory of this gallant man. Let no adverse comments induce this House to believe that this gallant officer did not act in a manner which became him in the discharge of his duty, and that his memory is not entitled to the respect and veneration of his countrymen.

LEASES OF CROWN PROPERTY—MONTAGU HOUSE—EXPLANATION.

MR. DISRAELI said, he was anxious to correct an error which he made last evening in Committee of Supply, in respect of the renewal of Crown leases. In speaking on the Motion of the Government for the purchase of Burlington House, he impugned their conduct because they had renewed the lease of a house in the vicinity of the public offices, which he thought was detrimental to the public service. Now, it turned out that Her Majesty's Government were exempt from all blame in that respect, and that if any blame was attached to the renewal of the lease, strange to say, the blame was upon him, and that he was responsible. He hoped the House would allow him to explain the reason how he fell into so strange a mistake. In the summer of 1852 the question of the renewal of the Crown estates came to a considerable extent under his notice, and his attention was brought especially to the renewal of the leases of premises which were in London, and also in the vicinity of the public offices. He endeavoured to lay down certain principles which he thought ought to guide them in the renewal of leases of that sort of property, but with regard to the leases of houses in the vicinity of public offices he did not think they ought to be renewed. A minute was drawn up embodying his views, and it so happened that the question of the lease of Montagu House was brought before him in the middle of the summer, and it was refused, and last night, speaking from recollection, he really did believe, so far as he was concerned, that the renewal of the lease of that house had not taken place at the time, and he concluded that Her Majesty's present Ministers were responsible for that act. But it so happened, very shortly before the termination of the Government of Lord Derby, that the question of the renewal of that particular lease was again submitted to the consideration of the Treasury, and it was thought that there were certain equitable elements which he had not taken into consideration, which rendered it just that the lease should be renewed. At that time the new Parliament had just met, there was a very strong strain on his energies, and he was unable to give that attention which he ought to have done to that particular subject. His colleagues he was sure gave the subject the consideration it deserved; they arrived at a different conclusion from that he had arrived at, and he had not the slightest doubt that their decision was a just one. However, it received his sanction, and for that decision he alone was responsible. He need not say how much he regretted that he should have brought the charge against the Government for having done an act for which he himself was responsible. Perhaps the House would allow him to say, that notwithstanding the circumstance to which he had adverted, he was still of opinion that leases of houses in the vicinity of public offices should not be renewed, and that it was highly expedient that the House should support Government in obtaining the possession of any plots of ground near the public offices which they had an opportunity of obtaining.

BRIBERY, &c., BILL.

Order for Third Reading read.

LORD HOTHAM said, that in expressing his disapproval of this Bill, he hoped the House would not suppose that he approved of the practices which the Bill was intended to prevent. It would be just as reasonable to suppose that the hon. Member for Dumfries (Mr. Ewart) wished to encourage murder because he disapproved of capital punishments. During the passage of this Bill through Committee, it was asked on two or three occasions by the noble Lord (Lord J. Russell) what the people would say if hon. Members did not sanction this or that clause. And it was more emphatically stated on another occasion by the hon. Member for Manchester (Mr. Bright), that if any obstacle were offered to the Bill in that House the people would be convinced that there was some foundation for the prevailing opinion, that there were important advantages to be gained by becoming a Member of that House—advantages which they, as Members, were unwilling to part with. Now his (Lord Hotham's) belief was, that there was nothing in this Bill at all calculated to dispel that belief; but, on the contrary, he thought that much had passed in the course of the discussion upon this measure which was rather calculated to strengthen and confirm such an impression. There were other matters about which the public wanted a more satisfactory answer than was contained in any provisions involved in this Bill. He had frequently heard it said, "You Gentlemen of the House of Commons profess great anxiety for political purity, freedom, and morality, why don't you mend your own manners and look a little more at home?" Why were hon. Members to be freed from arrest—why did they not either pay their just debts or take the usual consequences of not doing so? When it was seen that all the virtuous indignation of the House was expended upon the receipt by a poor man of a small sum of money, while Members of their own body were allowed to be remunerated by thousands a year, the people would not believe in the sincerity of the course which they were pursuing—would not place confidence in this one-sided legislation—and would come to the conclusion that the question which the House really had in view was what the late William Cobbett quaintly called the question of the breeches pocket. He objected to this Bill on account of the numerous class of new offences it created, and on account of these offences being so described as not to be intelligible, he ventured to say, to one in 500 of those who read the Bill. If there was a measure which ought to have been put forward in a plain and intelligible manner, it was this; and yet, in spite of all the care bestowed upon it by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), and the hon. and learned Member for East Suffolk (Sir F. Kelly), he had never seen a measure passed through that House with respect to whose provisions there had been greater difference of opinions than had prevailed among hon. and right hon. Gentlemen upon both sides. The House had created a number of new offences, which he was quite confident the country would not go along with them in considering offences. It was only the other day that the noble Lord the Lord President of the Council had been asked whether, in the event of a gentleman, residing in a town where he was proposed for election, giving a breakfast to a number of his personal friends during the election, that would come under the definition of bribery and treating. The noble Lord, he understood, answered unhesitatingly that it would. Now, if such a thing as this were to be considered objectionable and wrong, and were to be made penal, he wanted to know how it could be otherwise than penal for the noble Lord, or any gentleman occupying his position, to give an entertainment—which every one in his position did give—to those who sat behind him in the House of Commons? Things ought to be called by their right names. You might call this only hospitality between gentlemen, but he wanted to know, if a Member was to declare that no entertainment which he might have given, or have partaken of, should have been given in consequence of or on account of his election, why the same restriction was not to be placed upon the noble Lord, or upon gentlemen in his position, when the entertainments they gave referred not to electors, but to Members of that House? Another still greater objection which he entertained to the Bill was, that no satisfactory tribunal was provided for the trial of offences which might be committed under this Act. If the noble Lord had contented himself with clearly defining the offences of bribery and treating, and had affixed to those offences any penalties he chose, he (Lord Hotham) should care not how stringent they were, and, if there had been appointed for the trial of such offences any tribunal which could by possibility command the public confidence, there would have been no individual in that House more ready than he would have been to go along with the noble Lord. But this was not the case in the present instance. Election Committees of that House, it was well known, decided frequently one one way and another a different way, so that the public were inclined to place no great confidence in their decisions; and the question was often asked, to which party belonged the three Members who constituted the majority upon those Committees, with a view thereby of arriving at a conclusion as to what would be the probable result of their inquiry. For his own part, he should prefer to have questions connected with offences committed under the Bill referred to the Court of Common Pleas, inasmuch as he thought that a more satisfactory conclusion would thus be arrived at. Looking at the measure as a whole, he considered that it had been exceedingly well described by an hon. Friend of his, a Member of that House, who said that it would be a very good Bill if all the world consisted of Walpoles, but as that, unfortunately, was not the case, it would be utterly useless. Some persons would feel some hesitation in making the declaration required by the Bill, while others who possessed what the noble Lord opposite had very aptly termed "robust consciences" would take it, and pursue the even tenor of their way. For these reasons he could not give his consent to the third reading of the Bill.

SIR JOSHUA WALMSLEY said, the noble Lord the Member for the East Riding seemed to have an impression that accusations had been cast on hon. Members opposite, for the course they had taken upon this Bill. He (Sir J. Walmsley), at least, imputed no improper or interested motives to those who had introduced the Amendments, which had so mutilated this Bill. But he was bound to say, that the effect of those Amendments had been to legalise bribery. They had introduced a clause to render travelling expenses legal—one of the most fruitful sources of corruption, and which would render it difficult for any but rich men to obtain a seat in that House; and they now sought to introduce a system of reasonable refreshments, which meant neither more nor less than reasonable bribery. The history of our legislation on this subject had been one tissue of blunders—a mere pretence. We had denounced bribery in the abstract, but provided no remedy but that which we knew would not work. The result of our legislation had been to punish the innocent with the guilty, by disfranchising whole constituencies. The present Bill, on its coming out of Committee, was calculated to reach the evil, and appeared to be introduced with a *bonâ fide* desire to secure purity at elections; but it was now of little, if of any, use for its professed purpose, and some of its provisions were absolutely injurious. The noble Lord had asked whether it was on pecuniary considerations that Liberal Members desired to prevent expenses, and intimated that it was simply a breeches pocket consideration. He now had to tell the noble Lord that it was a question of elevating or demoralising the constituencies, and he would ask the noble Lord upon what principle of right or justice those who were sent to this House by their fellow-men to represent their interests, and who did their duty, labouring almost night and day to serve their country without fee or reward, could be asked to pay for bringing voters to the poll, or treating them when they were there? He must repeat that he regarded the introduction of the clause to legalise travelling expenses, the payment of cabs, and the attempt to introduce reasonable refreshment, as fatal to the intention of the good working of the Bill, and as such he should not regret to see it defeated.

LORD JOHN RUSSELL said, that the noble Lord (Lord Hotham) had no doubt with the utmost sincerity declared the reasons why he was not disposed to vote for the third reading of this Bill, but, at the same time, the course of argument which he had pursued was the course which was usually pursued by those who did not wish offences to be punished. It was usual to say, "If you are sincere in wishing to punish offences, why don't you take some other offence, there are many others which might have been selected without choosing this particular offence;" and that was precisely the course of argument pursued by the noble Lord. One statement made by the noble Lord was, that the public would not believe that the House of Commons was sincere in the endeavour to put down bribery and corrupt practices, because Members of that House enjoyed, among other things, the exemption of freedom from arrest for debt. The reason for that exemption was not on account of ancient privilege, but because it had been thought dangerous that the power of arrest should be given to any adversary, or, indeed, to any Minister of the Crown, for, if such power were to be given, then on occasions when it was expected that at some approaching division the numbers would be very close, an adversary or a Minister might inquire into the private circumstances of any Member who was likely to vote, and, even although he might not enforce his arrest, still he might by threats of arrest drive him away, and so prevent him from giving his vote. There was, he believed, great force in that argument, and he had never been able to consent to any proposal that Members of that House should be rendered liable to arrest. That was a subject, however, which might be brought forward at any time, and the noble Lord was at perfect liberty to introduce a Bill on the subject if he thought that privilege injurious, or one which ought to be abolished. There was no reason, however, why, because this privilege was not proposed to be abolished by the measure now before the House, this Bill for the prevention of bribery and corrupt practices should not be allowed to pass. With regard to the present Bill, the noble Lord had treated it as if it were a new attempt at direct legislation against the offence of bribery; whereas, in reality, a great part of the Bill was a mere consolidation of existing laws, and an attempt had been made in several clauses to define in clearer language than had hitherto been employed offences which were at present punishable under the existing law. On what ground could the noble Lord, then, find fault with him for proposing a Bill, which had for its object the consolidation of existing laws and the defining of offences already punishable by law? The Bill had been most carefully considered by a Select Committee of Gentlemen, of whom it could not be said that they were not sincere in their wish to put an end to bribery and corruption. The noble Lord had also stated that the public would say that the measure was an unjust one, that it did not mete out equal justice to the rich and to the poor, that the poor would be most severely treated by it, and that the rich were not dealt with in the same manner. That, however, was not the case. By the present Bill more penalties were placed upon the rich than had before existed, while those already placed on the poor were not in any way aggravated. There were two provisions in the Bill which applied especially to the candidates. One provision was with regard to undue influence and intimidation, which was an offence not likely to be committed by the poor, but, on the contrary, by the rich and powerful; and, for the first time, that offence was dealt with by the present Bill. Another part of the Bill provided that a declaration should be made by every Member of Parliament; whereas, up to the present time, it had been customary to require the bribery oath from voters—so that by the present measure the obligation was removed from the poor voters and placed upon a higher class of society—that was to say, upon those who sought and obtained a seat in that House, and, therefore, the Bill was not liable to the objection made by the noble Lord. With regard to the general merits of the Bill, he had already stated that by it the offences of bribery and treating were defined and existing laws consolidated, but there were also one or two alterations of the existing law of considerable importance, and for which the House was indebted to the hon. and learned Member for East Suffolk (Sir F. Kelly). Every one knew that laws against bribery and treating were in the Statute-book, and that they were applied to a certain degree in certain instances, and it had happened that perhaps some thirty Gentlemen had lost their seats, and some fifty or sixty persons had been punished, while perhaps 200 other persons who were equally guilty entirely escaped. The hon. and learned Member for East Suffolk had proposed a clause which provided that all the expenses of an election should be regularly accounted for, and that an officer should be appointed to defray those accounts and to publish them. All persons had heard accounts of such enormous sums as 10,000*l.*, or even 15,000*l.*, spent in a contested election; but by having an account kept of all the expenses, in the manner proposed by the Bill, the public mind would be brought to bear on corrupt practices where they existed. Would the noble Lord assert that that would be an evil? Would the noble Lord say that in a small borough, where perhaps 6,000*l.* or 7,000*l.* had been spent in a contested election—and to spend such a sum there must be either bribery or enormous treating — it was not a fair enactment, that the money spent should be accounted for; or did he mean to say that the publication of the accounts would not act as a check upon corrupt practices? He would not argue the question with regard to the declaration required from Members of that House, and all he would say for the Bill was, that at the last election complaints of bribery and corrupt treating were general, and a great many Gentlemen had lost their seats on being petitioned against. That being the case, was it not right that the House of Commons should endeavour to afford some additional remedy? He hoped that the House would remember that he had endeavoured to deal with the subject of jurisdiction in election matters, but that, as it had been impossible for that Bill to pass through the Select Committee this Session, it had been deferred until next Session. With regard to the statement which had been made, that, when an Election Committee was appointed, persons immediately inquired on which side of the House the three Members of it sat, and on which the two, and from that generally anticipated the decision of the Committee, he could only say that such might be the case with suspicious persons, but he felt convinced that in general the statement was quite unfounded. The first instance he could remember was that of the noble Lord himself, who had, as Chairman of an Election Committee, felt no hesitation in voting for the unseating of a Member of his own party, in a case where corrupt practices had been proved. Would any one believe that the right hon. Member for Midhurst (Mr. Walpole) would be biassed in his decision by the fact of the Member petitioned against holding the same opinions as himself? He should be very sorry to see jurisdiction in election matters transferred to the Court of Common Pleas; for, if that course were adopted, he felt convinced that within two years imputations would be cast upon the impartiality of the Judges. The Bill was an attempt to correct an admitted evil, and there never had been a measure brought before that House which had undergone more discussion in detail, and, although the noble Lord might say that he was sincerely desirous of putting an end to bribery and corruption, he thought that if the House rejected all practical attempts to remedy the evil they would not get much credit for sincerity from the country. He trusted, therefore, that the House would consent to the third reading of the Bill.

MR. ROBERT PALMER said, that no one in that House could feel more anxious to put down bribery than he did; but, at the same time, he must observe that the subject appeared to him to be one with which it was extremely difficult successfully to deal. He must also say that he thought the framers of the Bill had gone somewhat too far in declaring that the voter should not be allowed to receive any money for the purpose of defraying his travelling expenses, of procuring refreshment, or by way of remuneration for the loss of time which, in going to the place of polling, he must necessarily incur. There were some entirely new provisions in the Bill—he referred especially to those relating to the appointment of an election officer—and all its details were of a very complex kind, calculated to lead parties into the unintentional commission of offences. It was very questionable how the Bill would work, and he thought it would be advisable to make it an experimental measure. He would suggest, therefore, that a clause should be inserted at the end of the Bill continuing it till the month of August, 1855, or till the end of the next Session of Parliament. The effect of that would be to ensure the reconsideration of the subject. There were certain elections pending which would probably take place shortly after the passing of the Act, and if they made the Bill temporary they would have an opportunity of trying its effects in boroughs upon those cases. It was more than probable, also, that there would be s county election before the end of next Session, so that they would have an opportunity of seeing how the Bill would work in counties as well as in boroughs. He was not inclined to oppose the passing of the measure altogether, because, after so much had been said upon the subject of bribery and corruption, he could not but feel that they would expose themselves to the charge of a want of sincerity if they did not at least make an attempt to abate the evil.

MR. COBDEN said, he rose to make a suggestion, which, he hoped, would be approved. Many of the objections which were entertained to the Bill as it now stood would be redressed, if some of those Amendments, of which notice had been given, were carried. The noble Lord the Member for Middlesex (Lord R. Grosvenor) had announced his intention to move an Amendment to the effect that payments for travelling expenses should not be allowed. Now, speaking for himself, if that Motion were agreed to, it would remove many of the objections which he had to the Bill in its present shape; while, on the contrary, if the Motion were not adopted, he was not sure that he should vote for the passing of the Bill. Again, the objections entertained to the Bill by many hon. Gentlemen opposite had reference solely to the declaration contained in the Bill, and if the Amendment of which notice had been given with respect to that point were agreed to, the probability was, that those who objected to the declaration would vote for the passing of the Bill. Considering, then, that the proposed Amendments amounted to nearly six pages of print, he did not think they were in a position to take the sense of the House upon the general merits of the Bill, and he would, therefore, suggest to hon. Members that they should agree to the third reading, discuss the various Amendments, and take the sense of the House upon the Motion that the Bill do pass.

COLONEL SIBTHORP said, he would tell the hon. Member for the West Riding, who had just sat down, that old birds were not to be caught by chaff. For his part, he would offer to the Bill every opposition in his power. He believed it was a mere claptrap measure, brought forward by a Treasury Bench, which would require to purify itself before it undertook to cleanse other people, and at the same time it was a most disgraceful and uncharitable one. If doing a man's duty to his fellow-creatures was bribery, he had been guilty of it, and he should be guilty of it again, whatever were the laws they might pass. He was as opposed as anybody to bribery, and the employment of improper influence at elections, and he could assure the House that he had never controlled the votes of any tenant of his; but he decidedly disapproved of a measure such as that, which would interfere with the charities of life and the liberty of the subject.

Bill read 3°.

On the Motion that the Bill do pass,

MR. J. D. FITZGERALD rose to move several new clauses, the effect of which would be to render unnecessary the appointment of an election officer, and simplify the details of the Bill. He objected to the appointment of an election officer, because he would, in almost every instance, be a partisan, and would favour and throw all his weight and influence into one scale—because his duties were not very clearly defined, and would be of little use save in one particular—and because it was not advisable to create a new paid functionary, if they could by any possibility dispense with his nomination. Every advantage which could be obtained by the nomination of an election officer would be secured by the simple plan which he proposed. He understood from the Bill as it now stood, that the sole duty of the election officer would be to receive money from the candidates, and to pay such accounts as the candidates should admit to be due. Now, in place of that officer, he proposed that every person on his becoming a candidate —and the period at which he becomes a candidate was defined—should nominate an election agent to be his election agent for the payment of his election expenses, and should forthwith advertise such nomination in the newspaper of the county or borough where the election was held. By another clause he provided that every candidate should pay all his election expenses through his own agent. He further proposed that the agent should be required to keep a book, to be called the "Election Expenses Book," and upon the receipt or payment of any sum, should record it in full in such book, stating from whom received, and for what purpose—to whom paid, and for what purpose—and giving in every instance the date of each payment. Another clause provided that the agent should, at the expiration of one month after the election, furnish to the returning officer a copy of the entries in his Election Expenses Book, together with all the receipts and vouchers in his possession, and accompanied by a declaration as to its accuracy. He further proposed that the candidate himself should, at the expiration of two months after the election, furnish a detailed account of his expenses to the returning officer, accompanied by a declaration to the effect that, according to his knowledge, information, and belief, no payment had been made which was not to be found in the account so furnished. He likewise proposed to oblige the returning officer to publish that account in the newspapers circulated in the place where the election was held, thus securing the only thing which the Bill did secure—publicity to the election expenses of each candidate. He would conclude by moving his first clause.

Clause—

> "Every candidate, immediately after he shall have become such, and before he shall pay or agree to pay any part of the election expenses, shall, by writing under his hand, appoint some person to be his agent for the payment of such expenses, and such candidate may at any time by writing under his hand dismiss such agent, and appoint another in his place; and it shall be the

duty of such candidate immediately after such appointment to give notice thereof in writing to the Returning Officer, and in such notice to state the name, description, and residence of the agent, and within one week after every such appointment to cause such notice to be inserted in some newspaper circulating in the place where the election is held; and no other than the agent so appointed shall have authority to pay or expend any money for or in respect of the election expenses,"—

brought up, and read 1°.

SIR FITZROY KELLY said, he trusted the House would not at this stage of the measure be induced to assent to the proposal of the hon. and learned Gentleman. It would be perceived at once that the first object of that proposal was to sweep away the whole system of the appointment and action of the election officer. Now, it should be remembered that the principle on which the election officer should be appointed, and the nature of the duties to be imposed, had received the most serious consideration from the Select Committee, had been unanimously adopted by them, and subsequently approved by large majorities of that House. It was quite true with regard to the declaration considerable difference of opinion had prevailed, and that the majority which had approved the declaration had not been so large as when the general principle of an election officer had been adopted. But he could not suppose that, after the question had been so well considered by the Select Committee and by the House, the House would be induced at that late period of the Session to adopt an entirely new and unconsidered system. The objections to the clauses of the hon. and learned Gentleman lay even on the surface, for, instead of appointing an election officer, independent of the candidates, he proposed to vest the powers of the Bill in individuals appointed exclusively by the candidates themselves, and, of course, under their control. Again, the hon. and learned Gentleman proposed a single agent to transact all the business of the election, and pay away the moneys of the candidates, instead of an election officer, who would receive the assistance of as many agents as the candidates found to be necessary. There were other objections quite as obvious. As the Bill stood, the election officer was to see to the application of the whole money, and it was absolutely impossible, without something amounting morally to perjury, which would be severely punishable, for candidates to apply funds in an illegal manner. But if these clauses were adopted, bribery might be practised on as large a scale as hitherto, thousands of pounds might be advanced for corrupt purposes by any one who knew they might get repaid by the candidate after all accounts had been verified; or money might be deposited for the use of secret agents. In truth, there would be no security whatever against the application of money in bribery and corrupt practices. He therefore hoped the House would reject the proposal of the hon. and learned Member.

MR. TATTON EGERTON said, he did not wonder that the hon. and learned Gentleman who had just addressed the House was very anxious for the passing of his favourite clauses. But he (Mr. Egerton) could not understand the objections of the hon. and learned Gentleman, and should, therefore, support the clause of the hon. and learned Member for Ennis.

MR. J. BALL said, he hoped his hon. and learned Friend would not persevere with his clause. Its practical result would be to substitute for an impartial agent a man who was identical with the very men through whose agency every description of corruption had existed in this country. It would be going back to the old and corrupt system which had prevailed at Cambridge, Canterbury, Maldon, and other places. Wherever corruption had existed it was by means of election agents, and yet these were the men to whom the hon. and learned Gentleman (Mr. J. D. Fitz-Gerald) affected to look as the faithful protectors of the purity of election.

MR. HENLEY said, he understood the object of the proposal clause to be to get rid of third persons, who were, according as the Bill now stood, to be appointed as election officers. The agent by this Amendment was not required to give any opinion as to the legality or illegality of any payment; he was simply to be the machine for paying the expenses of the candidate, and for examining the accounts. He did not see that there would be any additional security in requiring a declaration that the money had been handed over to an election officer; the only difference that he could see would be that the candidate would in the one case have to pay 50*l*. or 60*l*. less than in the other.

MR. MURROUGH said, he was opposed to the adoption of the clause on the ground that it rendered it compulsory on the candidate to employ an agent. There were many boroughs, the constituencies of which were almost all operatives, and in which it would therefore be difficult to find a person competent to act as an agent.

Mr. MALINS said, he thought the hon. Member who had last addressed the House paid the operatives a bad compliment when he said that a candidate would be unable to find one among them whom he could trust with his money. For his part, he had not so bad an opinion of his countrymen of any class, and he believed that, even in the smallest boroughs, many persons could be found to whom candidates might safely intrust their electioneering arrangements. The clause proposed by the hon. and learned Gentleman (Mr. J. D. FitzGerald) had this advantage over the one which stood in the Bill—that, while it secured publicity, it gave candidates a voice in the disposal of their money.

Mr. MURROUGH said, he must protest against the unfair construction which the hon. and learned Member had put upon his words.

Mr. VINCENT SCULLY said, he considered it impossible to obtain an election officer in Ireland who would not be a partisan; and as all the advantages to be derived from that officer being appointed would be equally derived by appointing the agent of the candidate to perform the duties, he hoped the House would agree to the clause.

Mr. BRIGHT said, the objection of the hon. Member for Oxfordshire (Mr. Henley) that the candidate would be put to an expense of 50*l.* or 60*l.* for the election officer was met by the fact, that the same amount of money must be given to the election agent proposed to be substituted. He preferred the original clause, because he thought the whole matter would come before the public with far greater appearance of reality and truth if it came through the hands of a public officer intended to be, and assured to be in a majority of cases, an impartial administrator of the duties which devolved upon him. A candidate was by this clause forced to appoint an agent whether he wanted one or not, and if any corruption was intended they knew precisely what sort of agent would be likely to be chosen. He thought an election agent as existing in this country was an animal not of the cleanest character, and where a candidate required unscrupulous conduct he would select one of unscrupulous character. Although he was quite willing to admit, whatever conclusion was arrived at as to this appointment, it would not answer effectually for the object in view; yet, as the adoption of the clause of the hon. and learned Member for Ennis would be fatal to the project of carrying the Bill this Session, and as he was quite sure the public would be better satisfied with the provisions as they stood, he trusted the House would not agree to the Amendments of the hon. and learned Member.

Motion made, and Question put, "That the Clause be now read a second time."

The House *divided*:—Ayes 51; Noes 89: Majority 38.

Mr. J. D. FITZGERALD said, that, after the decision just arrived at by the House, he would not proceed with his other clauses.

Lord ADOLPHUS VANE TEMPEST said, the clause he now begged to propose he had moved on a previous occasion, and then the hon. and learned Attorney General made a statement which showed that, under the existing law, candidates might be made responsible for the acts of unauthorised persons. The hon. and learned Gentleman stated that, at one of his elections, he was asked to sanction the payment of the expenses of out-voters. To this the hon. and learned Gentleman demurred, because doubt prevailed in his mind as to the legality of such payments; and, although he was disposed to think them legal, he was determined to incur no risk. The hon. and learned Gentleman, therefore, refused to sanction the payment, but it had been made by a friend, and the Committee had held that it was legal. He would now ask whether, if they had held it to be illegal, the hon. and learned Gentleman would not have been held answerable for the act, although he had disowned it? A gentleman who had conformed to this Act, and taken the declaration, might afterwards be held liable by a Committee for a proceeding of one of his committeemen, a rash friend, or an enemy in disguise who wished to injure him. This was not a position in which any hon. Member ought to be placed. Since he had last brought this question under the notice of the House, he had been favoured by the right hon. and learned Member for the University of Dublin (Mr. Napier), who was Chairman of the Dungarvon Election Committee, with a copy of the judgment he had delivered in favour of the sitting Member. It had been contended that the act of one of his committeemen was sufficient to unseat him, but the Chairman of the Committee said he did not think a single act of corrupt treating committed against the authority of the candidate, and not sanctioned by him, ought to have the effect of unseating him and preventing him from representing that constituency again in the same Parliament. He (Lord A. Vane Tempest) had suffered at an election from the act of a man which he had neither authorised nor sanctioned; but if this Bill were passed, and hon. Members were required to take the declaration it contained, they ought only to be held answerable for their own acts and the acts of their certified agents.

Clause—

"Every Candidate, or in his absence, the persons proposing and seconding such person, shall, before or at the nomination, or as soon after as conveniently may be, make and subscribe before the Returning Officer the following Declaration:—

"'I, A. B. [or we the Proposer and Seconder of A. B.], do solemnly and sincerely declare that I [or we] have given a true and faithful Return of every Agent or Agents authorised or sanctioned by me [or us] to make any payments of money or monies, previous to or at my [or his] Election, and that no other than such Agent or Agents so named have had, nor shall in future have, authority or sanction by me [or us] to expend any money or monies, or incur any expenses of or relating to the Election aforesaid; and that I [or we] have faithfully adhered to the requirements contained in Clause 32 of this Act.'

"No person being a Candidate at any Election, or who shall hereafter be elected, who shall have made the Declaration required by Section — of this Act, and have conformed thereto, and who shall not have appointed or given any authority to any agent or agents save according to the provisions of Section — of this Act, and who shall in all things have well and truly conformed to the provisions herein contained against bribery and all other corrupt and unlawful practices, shall be personally liable, civilly or criminally, nor shall his election be avoided, by reason of any illegal acts done by any other person than himself or his agent or agents, named in writing and notified to the Election Officer, according to the provisions of this Act, unless such illegal act shall be proved to have been done by his authority or sanction: Provided always, that nothing herein contained shall be deemed to make valid any Election which shall be proved to have been obtained or effected by means of bribery, or any other corrupt or illegal practices,"—

brought up, and read 1°.

THE ATTORNEY GENERAL said, the effect of the noble Lord's clause, which had been discussed and negatived on a previous occasion, was, that, whereas at present if the agent of a sitting Member committed any act of bribery, the sitting Member was held responsible for it, and lost his seat in consequence, the candidate should only be responsible for the acts of the agent whom he had acknowledged. The object of the House in passing this Bill was to make the law against bribery more stringent than it had hitherto been, but the noble Lord's proposition, if adopted by the House, would have an exactly contrary effect, and would make the bribery laws more lax and open the door to a greater amount of bribery than was at present practised. When he had adverted to the case of his own election, he had not done so with respect to the law of agency, but with respect to that of travelling expenses. The noble Lord had charged him with ignorance—with not knowing the law. He did not know any one who professed so much modesty as the noble Lord. He was constantly begging the House to excuse his presumption, but he must say that he knew no one in that House, young or old, who was so apt to charge others with presumption and ignorance as the noble Lord. This was the second time the noble Lord had thought proper, without any provocation upon his part, to attack him personally and individually with reference to his election. If the noble Lord had examined the matter, he would have found that there had been numerous conflicting decisions upon it, and, although the balance of authority had been that travelling expenses were legal, yet, as there had been contradictory decisions—and he also, upon general principles, entertained serious doubts as to the legality of the practice—he thought it right, not only as a public man whose character was before the country, but also for the sake of not invalidating his election, to desire that the voters in question should not be fetched to the polling place. They were fetched notwithstanding, but it had never occurred to him to say that he was not responsible for that act, for he knew that by the law of Parliament a candidate was responsible for those who were held by the Committee to be his agents. Although there had been many conflicting decisions as to what constituted agency, all Committees had proceeded upon the principle that where general agency had been established, it was not necessary to prove direct authority from the candidate for any particular act. He hoped the House would not recede from the decision at which it had already arrived upon this point, as, if they required direct authority to be proved for each particular act of corruption, they would have bribery committed without a possibility of its being brought home to the candidate.

Sir JOHN PAKINGTON said, he could not allow this debate to go on without noticing the attack which had just been made upon his noble Friend the Member for North Durham (Lord A. Vane Tempest) by the hon. and learned Attorney General). He (Sir John Pakington) had heard nothing fall from his noble Friend which could be construed in the nature of a personal attack, and the sneers which had been directed against him by the hon. and learned Attorney General were most uncourteous and uncalled for. Perhaps he could not better express his impartial opinion on this matter, than by stating that he had turned round to his hon. and learned Friend the Member for East Suffolk, and was remarking to him how good and agreeable was the tone of his noble Friend. [*Laughter.*] He maintained that that was an impartial opinion, for he could not anticipate that this attack was about to be made. Certainly he heard no attack made upon the Attorney General. [The Attorney General: The noble Lord charged me with ignorance of the law.] He had not understood his noble Friend to make such a charge. He must say, however, that the complaint against his noble Friend for having twice brought forward substantially the same question came with singularly bad grace from a Member of the Government who had very recently on the Oxford University Bill taken the sense of the House on propositions which the House had before rejected on two different occasions. With regard to the clause of his noble Friend, it appeared to him to be strictly just. It might in some degree open the door to bribery, but that would be as nothing compared with the settlement of the present state of the law.

Mr. J. BALL said, he was much surprised that the right hon. Gentleman, who had often acted as Chairman of an Election Committee, should support a clause like the one under discussion, the effect of which would be that no amount of bribery would vitiate an election unless it was connected directly with the candidate. [*Cries of* "Divide!"] He thought after the display of pugnacity they had had among the English Members, they might allow an Irishman quietly to discuss the Bill. He should oppose the clause.

Sir FITZROY KELLY said, he thought a very reasonable meaning could be put upon the clause submitted by his noble Friend. He must deny that it was intended to legalise any election where corrupt practices were committed, either by the candidate or any other person not connected with or authorised by him. If, however, it should be shown that any single elector had been bribed by any party who had no connection whatever with the candidate, he thought it would be most unfair to visit that upon the candidate, who might have been returned by a majority of upwards of 100. He agreed that it would be extremely inconvenient if a candidate at any election, who had employed an agent, and had given him a general authority, should not be held civilly responsible, and also responsible for his seat, for the acts of that agent, although he had not authorised him to do any of the illegal acts which might have been committed by him. In practice, the candidate was held responsible, and justly so, for the acts of his agent; but what right had they to visit upon the candidate the offences of a man with whom he had no connection? All he asked was, that the House should throw its shield over innocent persons, because it too often happened that Committees, puzzled by the speeches of counsel, had come to very harsh and unfair decisions in these cases.

Mr. BRIGHT said, if this clause were agreed to, one great check which at present existed to prevent bribery by overzealous partisans would be taken away. He knew two cases—in one, the brother-in-law of a candidate gave a voter 10*l.* to leave the town—in the other, a friend gave a voter 5*l.* to vote for a particular candidate, and, in both cases, he believed, without the knowledge of the candidates. The only check which at present existed on such proceedings was the knowledge, on the part of the partisans, that such acts would jeopardise the seat of their candidate. If the seat were not voided by them, then there would no longer be any inducement to search out such cases, and thus a great avenue to bribery would be opened up. He was sorry to vote against the hon. and learned Gentleman (Sir F. Kelly), who had shown himself most anxious to put down bribery, but he could not support the present proposition.

Mr. HENLEY said, he considered the clause to be necessary on account of the provisions of Clause 35. Having by that clause made it incumbent upon candidates to give the names of their agents, they ought to be protected from the acts of other persons.

LORD ADOLPHUS VANE TEMPEST said, he disclaimed any intention of having for a moment intended to charge the Attorney General with ignorance of the law. Had he done so, he should, indeed, have been worthy of the very severe observations which the hon. and learned Gentleman had made with regard to him.

Motion made, and Question put, "That the Clause be now read a second time."

The House *divided* :—Ayes 79 ; Noes 114 : Majority 35.

SIR FITZROY KELLY then moved the following clause—

"If any candidate at any election, or any Member hereafter returned to serve in Parliament, shall, before the passing of this Act, have paid any money for or in respect of any election hereafter to be held, or any expenses thereof, such person shall, to the best of his ability, deliver a full, true, and particular account of such payment or payments to the election officer, and may thereupon, instead of the declaration hereinbefore contained, make and subscribe the declaration following :—'I [A. B.] do solemnly and sincerely declare that I have not knowingly made, authorised, or sanctioned, and that I will not at any time hereafter knowingly make, authorise, or sanction, any payment on account of my election, otherwise than through the election officer, save as excepted and allowed by the "Corrupt Practices Prevention Act, 1854," and other than the payment or payments mentioned in a certain account called "Reform Act Account," delivered by me to the election officer, nor have knowingly done, authorised, sanctioned, procured, or promised, nor will hereafter knowingly do, authorise, sanction, procure, or promise any act, matter, or thing contrary to the provisions contained in sections 2 and 4 of the said Act ;' and any person who shall make and subscribe any such declaration knowing the same to be untrue, or, having made and subscribed such declaration, shall, at any time thereafter, knowingly make, authorise, or sanction any payment contrary to the true intent and meaning of such declaration, shall be deemed guilty of a misdemeanor, and in Scotland of an offence punishable with fine and imprisonment."

MR. VERNON SMITH said, he considered that the preferable course would be to treat all payments made before this Act as innocent payments ; and the case might be better met by inserting in the declaration the words, "since the passing of the Corrupt Practices Act."

MR. VINCENT SCULLY said, he also thought that the simplest plan would be not to make the Act retrospective, but to let the declaration merely be, that the candidate had paid no money since the passing of the Corrupt Practices Prevention Act.

SIR FITZROY KELLY said, he thought that it was indispensable that the clause should be inserted in its present form.

MR. CRAUFURD would suggest that if the present clause were passed, and the clause containing the declaration, notice to omit which had been given, did not pass, they would then be placed in a strange position.

SIR FITZROY KELLY replied that, in the event of the declaration clause not being passed, he would then, with the permission of the House, withdraw the present clause.

Clause *agreed to*, and added to the Bill.

MR. PHINN said, he would now beg to move the insertion after Clause 38 of the clause of which he had given notice. The clause had been taken from the previous Acts against bribery and treating, the only alteration made being that the Member should not sit in the then Parliament ; but if it were desired, he should have no objection to the clause being limited as to the place for which the election was declared void.

Clause,

"If any Candidate shall be declared by any Election Committee guilty, by himself or his agents, of bribery, treating, or undue influence at any Election, such Candidate shall be incapable of being re-elected for the place for which his Election shall have been declared void during the Parliament then in existence."

Brought up, and read 1° ; 2°.

THE ATTORNEY GENERAL said, he would consent to the insertion of the clause, as its object was to keep the law as it had hitherto stood with reference to this subject.

SIR FITZROY KELLY suggested, that after the word "elected" should be inserted the words, "for the place for which his election has been declared void."

MR. BENTINCK moved the insertion of the words, "with his cognisance," after the words "or his agents."

THE ATTORNEY GENERAL said, he must oppose the addition, because he considered that by the present law a Member guilty of bribery by his agents, with or without his cognisance, was disqualified from sitting for the same place in the same Parliament.

MR. BRIGHT said, he thought the Member should be disqualified from being returned in the same Parliament for any place, otherwise there would be merely an exchange of seats.

MR. PHINN said, the Member might be unseated for the acts of his agent, of which he had no cognisance; and it would be too great a penalty to disqualify him entirely for the whole duration of the Parliament.

Question, "That those words be there inserted," put, and *negatived.*

Clause amended, read 3°, and *added.*

Mr. MULLINGS said, he had now a clause to bring forward which he trusted the House would adopt.

Clause—

"On the trial of any action for recovery of any pecuniary penalty under this Act, the parties to such action, and the husbands and wives of such parties respectively, shall be competent and compellable to give evidence in the same manner as parties, and their husbands and wives, are competent and compellable to give evidence in actions and suits under the Act of the fourteenth and fifteenth Victoria, chapter ninety-nine, and 'The Evidence Amendment Act, 1853,' but subject to and with the exceptions contained in such several Acts: Provided always, That any such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act, against the party giving it."

Brought up, and read 1°; 2°; 3°.

The ATTORNEY GENERAL said, he would not object to the propositions involved in this clause, that parties proceeded against for penalties under this Bill should be allowed to come forward as witnesses, and to give what evidence they could in their own behalf; but, of course, there ought to be reciprocity, and they consequently should be liable to be called upon the other side as well as competent to be heard upon their own. He must, however, own that he had felt some reluctance in admitting the clause, because it would be an exception to the general law of the land, for it was not the law of the land at present that the parties proceeded against in a penal action might give evidence in their own behalf. At all events it was a doubtful question, inasmuch as in the Court of Exchequer, in which the question had been raised, the Judges had been equally divided in opinion. He thought, therefore, that any legislation on the subject should be general rather than exceptional, and he should propose a clause in the Common Law Procedure Act with that object, which, if the House should agree to it, would render this clause superfluous. If the House should not agree to it, he owned he should have some hesitation in admitting the principle in an exceptional case. At the same time he quite agreed that if even under any circumstances parties were entitled to be heard in their own behalf, they were so entitled in cases such as these; and he should not oppose the hon. Gentleman's proposal.

Mr. GOULBURN said, he saw no reason why different rules of evidence should prevail with respect to cases arising under this Act from those which were applicable to any other penal proceeding. If the hon. and learned Gentleman the Attorney General intended to apply the principle involved in this clause to all penal actions, of course his objection fell to the ground; but then the best way would be to do it by a general enactment, for he thought it very objectionable to apply different rules to different cases of the same class.

Mr. HILDYARD said, he wished the House to consider whether this clause might not be the means of compelling timid Members, who did not like to undergo the ordeal of examination in a court of justice, to compromise penal actions against them. In a recent case, a friend of his had told him that he would rather pay 1,000*l.* than be "badgered by the lawyers," but he had appeared upon his advice, and those who were proceeding against him had immediately retired.

Mr. HENLEY said, he agreed very much with the opinion of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) that exceptional legislation was unwise. He would much rather let it rest upon the general law.

Sir FITZROY KELLY hoped the hon. Member for Cirencester would persevere with the clause. Before Election Committees parties were competent witnesses, and might either be compelled to give evidence or give it voluntarily; and there was no reason why the same rule should not be extended to other proceedings under this Act.

Mr. CRAUFURD said, he approved of the clause, but disapproved of dealing with the subject exceptionally. He wished to know whether the parties would be compellable as well as competent to give evidence.

Mr. MULLINGS said, he would insert the word "compellable" in addition to the word "competent."

Mr. PHINN would propose that the proviso be admitted.

Sir FITZROY KELLY: Would you compel a man to give evidence, and make him criminate himself?

Question put, "That the clause be added to the Bill."

The House *divided* :—Ayes 118; Noes 107: Majority 11.

MR. BENTINCK said, he would now move, in page 3, line 37, after the words "and of none effect," to insert the words, "Provided always, that such treating shall have taken place within a period of six months, either previous or subsequent to an election." He thought the clause as it stood much too stringent against all persons mixed up in an election. He did not think that treating for corrupt purposes would ever take place at a period distant from the election, it being more than probable that it would take place either a short time previous to, or subsequent to it. Having now many years' experience in Parliamentary proceedings, he must say he never knew of a single instance of a candidate habitually treating or corrupting his would-be constituents. With a view, therefore, to prevent actions being brought against Members or their agents during an unlimited and indefinite period subsequent to an election, for acts which might or might not have been done with a corrupt intention, he should move the foregoing Amendment.

LORD JOHN RUSSELL said, he thought the hon. Gentleman, by putting a wrong construction on the Act, had come to a false conclusion. The law in reference to the clause as it at present stood went quite as far on the subject of corrupt practices as the clause proposed; and the new Bill would no more make the giving of a glass of beer penal, unless it was given with a corrupt intention, than the present law.

MR. ARCHIBALD HASTIE said, he hoped the noble Lord would still agree to the Amendment, for unless it were accepted he should feel bound to vote against the declaration.

MR. VINCENT SCULLY said, that, on the contrary, he hoped the noble Lord would not agree to the Amendment. If the hon. Member for Paisley would read the clause, he would find it only applied to the case of persons giving refreshments in order to corruptly influencing a constituency. If the Amendment of the hon. Gentleman (Mr. Bentinck) were agreed to, the effect would be that candidates would tell the electors, "If you only elect me, I promise you a first-rate feed at the end of six months." So that all the difficulties consequent upon treating would be thus easily surmounted.

Question put, "That those words be there inserted."

The House *divided* :—Ayes 78; Noes 153: Majority 75.

MR. HILDYARD said, he would beg to move the omission of the words at the commencement of the 6th clause, which imposes certain disabilities for bribery, for the avowed purpose of expunging that clause from the Bill. He considered the 6th and 7th clauses most objectionable. He did not propose to expunge these clauses when the Bill was in Committee, because he thought it desirable to discuss them in the presence of Mr. Speaker, as they materially affected the privileges of the House of Commons. Every Member convicted of bribery under the 6th clause, or of treating and undue influence under the 7th, would forfeit his seat. The question of transferring the jurisdiction over seats had been over and over again discussed in that House, and one great statesman, now no more, had contended that it was absolutely essential to the independence of the House to retain that jurisdiction; but by these two clauses the House was about to transfer it collaterally and incidentally to a petty jury in an assize town. When these clauses were discussed the Committee were under a misapprehension, believing that the law of the land was what it would become under these clauses, and that the 2 *Geo.* II. imposed a penalty of 500*l.*, and forfeited the seat of the Member who might be convicted. That Act, after imposing the penalty, said—

> "And also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall or at any time afterwards may be entitled, as a Member of any city, borough, town corporate, or cinque port, as if such person were naturally dead."

But this clause did not apply to Members. It merely deprived capital burgesses, &c., of any franchise which they might possess. Several actions might be brought against a Member under this Bill, and though he should be acquitted in ten cases out of eleven, by a decision against him in the eleventh case he would be deprived of his seat. Let them consider what the effect of such a measure would be in Ireland, if hon. Gentlemen on one side of the House were tried by a Papist jury, and hon. Gentlemen on the other side were tried by an Orange jury. Party feeling, however, was so bitter in that country, that he was afraid hon. Gentlemen on both sides would seek to retain this power as an instrument of mutual obstruction; but, surely, the House did not wish that it should be so used, and he trusted the noble Lord would consider whether he should persevere in passing a clause which would produce such an effect. Might they not have introduced into England, by a clause of this kind, something of the same sort? The result, also, might be that guilty persons would compromise such actions, whereas in other cases it might lead to the conviction of innocent persons. By expunging the clause they would not subject themselves to any difficulty, for they could, if necessary, expel a guilty person, as had been done in a particular case in 1812. His hon. and learned Friend the Attorney General had said, on a former occasion, that if a verdict were unsatisfactory the Judge would certify the fact, and there would be a new trial; but he concluded that such a clause would be most mischievous in excited times. Did they think that the Judges would wish to place themselves in a position of hostility to that excitement, and expose themselves to the abuse of the newspapers as persons screening corruption? The Judges would leave the case to the jury in nine cases out of ten; and was it to such a tribunal they were going to transfer their privileges? With this view, he proposed that the words should be omitted, considering that, if the House assented to his Motion, the two clauses would ultimately be withdrawn.

MR. J. D. FITZGERALD said, he would second the Amendment, because he thought that the effect of the clause, as it at present stood, would be that which the Lord President had, on a previous discussion, greatly deprecated, namely, to transfer these political questions to the jurisdiction of the civil courts, and to make these courts the arena of political discussions. Resort would be had to these actions after a hotly contested election in order to unseat the successful candidate; a man might have forty successive actions brought against him, and it was rather hard to say that if one of them should succeed—and it must be remembered that in these civil cases juries were bound to decide according to the weight of evidence, and could not give the benefit of a doubt to the accused party—he would be incapacitated from taking his seat in that House. It might happen, too, that the jury would be actuated by political feeling. There was every reason to believe that these proceedings would be made not unfrequently the instruments of political animosity, and he certainly thought they ought to remove the temptation to institute them which would be found in the fact that a successful action or prosecution would be a political triumph. It must not be forgotten, too, that this clause would alter the constitution of the House by transferring to another tribunal—and that too of a common jury—the power of determining who were and who were not to sit in that House. He believed that such a course would be destructive of the independence of the House, and he warned the puritans—or he might call them the would-be puritans—of that House, that, by adopting the clause as it stood now, they would be striking a deadly blow on its constitution, its safety, and its character. He was perfectly willing to confess that the arguments used against this clause would apply with tenfold force against its operation in Ireland. In that country he was sorry to be obliged to admit, there existed much ill-regulated political animosity, which, as had been shown in the course of this Session, would not hesitate to use any means to injure a political opponent, without stopping to inquire whether they were honourable or just. If this Amendment were unsuccessful, he should certainly feel it his duty to move that Ireland be exempted from the operation of the Bill.

SIR FITZROY KELLY said, that although he could not participate in the apprehension that jurymen in England could ever become political partisans, there was really so much weight in the observations of the hon. and learned Gentleman who had just sat down respecting the clause, and also in what had been urged by the hon. and learned Member for Whitehaven (Mr. Hildyard), that he felt it to be his duty to call the attention of the noble Lord opposite to the effect of those clauses as they then stood if adopted. These clauses, when considered in connection with the whole Bill, would be found objectionable. The clause moved by the hon. and learned Member for Bath (Mr. Phinn), providing that where an Election Committee declared a candidate guilty of bribery, he should be incapable of sitting in that House during the same Parliament, was a perfectly consistent clause; but by the clauses now under discussion, if a penal action was commenced against any candidate, not for bribery, but for the most insignificant offence under this Bill, he would, if judgment was given against him, be disentitled to sit and vote during the remainder of that Parliament. Now the difficulty was, that there was no machinery provided by this Bill for giving effect to any such decision—there was no penalty attached to his voting or sitting in that House, and no authority in the hands of Mr. Speaker, or otherwise, to prevent his doing that which the law declared he was not entitled to do. Under these circumstances, and seeing that in the other clauses of the Bill there were ample punishments attached to the different offences mentioned in the Bill, he would suggest to the noble Lord President that he should consider the propriety of striking out these two clauses altogether.

MR. PHINN said, he must confess that he felt the force of some of the objections which had been stated by the hon. and learned Gentlemen who had spoken on these clauses. As to there being no machinery for giving effect to decisions of the courts of law against Members of that House, the transmission of copies of such decisions to Mr. Speaker would render it necessary for that House to expel such Members. No machinery in such cases was necessary; the usage of Parliament was sufficient to meet the exigency. If a Member of that House was guilty of forgery, or declared insolvent, he must, *ipso facto*, be expelled. As to the danger of loose charges being got up against Members by common informers, that was guarded against by the clause introduced by the hon. Member for Cirencester (Mr. Mullings). With regard to the case of conviction on indictment, the penalty of disability, if severe, was limited to the duration of the existing Parliament.

LORD JOHN RUSSELL said, he owned that the arguments of the hon. and learned Member for East Suffolk (Sir F. Kelly), and the hon. and learned Member for Whitehaven (Mr. Hildyard), appeared to him to have such weight in them, that he could hardly ask the House to go on with these clauses. There was certainly a case that he (Lord J. Russell) had not considered, namely, that a Select Committee of that House, appointed to try the question of the validity of an election, might find the sitting Member not to be guilty of bribery by himself or his agents, and award the seat to him; and it might happen that an indictment might be got up by persons with strong political feelings the other way, and there might be a conviction on which it would be almost incumbent on that House to expel the Member. Then it might be a question for the House whether it would follow the decision of its own Committee, which had tried the case and heard witnesses upon oath, or whether it would be satisfied with the verdict of a jury. Certainly the general principle was against giving to juries the power of deciding on the right of Members to sit in that House; and on the whole, although he would not say that these clauses could not be defended, yet he felt that there was so much difficulty attending them that he thought it would be better that the House should expunge them.

MR. SOTHERON said, he thought the noble Lord was quite right in abandoning these clauses.

MR. VERNON SMITH said, he wished to explain that there was some objection to agreeing to these clauses in the Select Committee, and it was only the positive assertion of the noble Lord that the exclusion of the Member should last during the continuance of the same Parliament was the existing law (which was now shown to have been a misconception), that had reconciled the Members of the Committee to their insertion. The speech of the hon. and learned Member for East Suffolk was not only fatal to these clauses, but, in his belief, fatal to the whole Bill, because it showed that there had been a want of consideration of the bearing of its different provisions until the House had adopted its clauses.

Clauses *struck out*.

Clause 18 (Appointment of the Election Officer).

LORD JOHN RUSSELL said, he had asked the hon. and learned Gentleman the Member for East Suffolk, on a previous occasion, whether there should not be a clause for the immediate appointment of the persons who were to be election officers for the boroughs of which the writs were suspended. The hon. and learned Gentleman then said, he thought this might be best done by the Secretary of State writing to the returning officers of those places, to say that the election officer ought to be immediately appointed. This, however, he (Lord J. Russell) thought would not be a regular or a constitutional way of effecting this object, and he wished to suggest that immediately after the words, "Be it enacted," in this clause, these words should be inserted—"That within six days after the passing of this Act the returning officers of Maldon, Barnstaple, Canterbury, Cambridge, and Kingston-upon-Hull"—and then the clause would run on—"once in every year in the month of August" should appoint an election officer.

Amendment *agreed to.*

Mr. VINCENT SCULLY next proposed that the nomination of the election officer be not vested in the returning officer, as he considered that officer was open to undue influence. He thought the judicial officer both in Ireland and in Scotland would be a fitter person to nominate than the returning officer. He proposed to give the power of nomination to persons not open to influence—to the senior county court judges in England, who were barristers, and who had a large income from the country. In Ireland, to the assistant barristers; and in Scotland, to the sheriff's substitute.

Amendment proposed, in page 7, lines 25 and 26, to leave out the words "the Returning Officer of every," and to insert the words "in England the County Court Judge, or, if more than one, the senior County Court Judge in order of appointment; in Ireland, the Assistant Barrister; and in Scotland, the Sheriff's Substitute, having jurisdiction for or in any," instead thereof.

The ATTORNEY GENERAL said, he did not think the alterations as proposed in any way desirable. To vest such a power in judicial officers would be very impolitic, and might, and probably would, in many instances, give rise to suspicions which it would be very unwise to associate with any judicial office. Hitherto, we had always endeavoured to keep our Judges free from political bias or influence, and to infringe upon so healthy a rule would be highly injudicious.

Mr. CRAUFURD said, he did not think, as far as Scotland was concerned, that the alteration in favour of the sheriff's substitute would be a desirable one.

Mr. J. BALL said, he considered that in Ireland, as well as elsewhere, the returning officers might often be strong partisans, and would suggest that it would, therefore, be advisable to admit of an appeal being made, under certain circumstances, to the Chief Justice of the Queen's Bench.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Various verbal Amendments were then *agreed to.*

Lord ROBERT GROSVENOR moved an Amendment on Clause 26, the effect of which was to render the payment by a candidate of the travelling expenses of a voter illegal. He hoped that the noble Lord the President of the Council, considering the great difference of opinion which existed on the subject, would not oppose the Amendment with the weight of the Government. If the Amendment were agreed to, it was his intention to propose an addition to the clause, attaching a penalty for the payment of travelling expenses.

Amendment proposed, in page 10, line 33, after the word "shall" to insert the word "not."

Question put, "That the word 'not' be there inserted."

The House *divided:*—Ayes 68; Noes 147: Majority 79.

Mr. CAYLEY moved the following proviso to the end of the travelling expenses clause—

> "Provided always, that unless the distance of the voter's residence to the nearest polling booth exceed one mile and a half, the conveyance of a voter to the poll shall not be a reasonable and legal expense within the meaning of this Act."

Lord JOHN RUSSELL said, he must oppose the Amendment. A person of infirm health might live at a less distance than a mile and a half, and he thought that, on the whole, it was better to retain the clause as it stood.

Lord ROBERT GROSVENOR said, he regarded the clause as it stood as highly mischievous, while it settled nothing as to what the present state of the law was. The effect of it would be, to compel every candidate engaged in a contest to convey every voter to the poll.

Question, "That those words be there inserted," put, and *negatived.*

Mr. HENLEY said, he wished to observe, with respect to the declaration required by the 37th clause to be made by every candidate, and also by every Member, that it imposed upon hon. Members what he believed no hon. Member could conscientiously undertake to pledge himself to. The declaration went back for sixty years, and went forward for 1,000 years. It was a declaration that they never had done, and never would commit, any one of 736 offences. [*Loud laughter.*] Yes; there were no less than 736 offences of bribery, which might be, either directly or indirectly, committed. Now he, for one, would never consent to make a declaration with respect to anything that he did not understand. Without any further remark, therefore, he should move that this clause be struck out of the Bill.

Amendment proposed, in page 14, line 29, to leave out from the word "Candidates" to the words "I [A. B.] do solemnly," in line 37.

SIR JOHN PAKINGTON said, that a most unusual course had been taken in their proceedings that night. They ought first to have decided upon the principle whether there should be any declaration or not, before they were called upon to say what that declaration should be. He could not assent to the declaration, which he confessed he could not understand. Nothing should ever induce him to take it as it was now worded. How did they know what the second and fourth sections of the Corrupt Practices Prevention Act contained?

LORD JOHN RUSSELL said, that the declaration which the right hon. Gentleman (Sir J. Pakington) had put upon the paper, and intended to move, appeared to be preferable to that now in the Bill, and, therefore, it should have his support in the event of the Amendment proposed by the hon. Member for Oxfordshire (Mr. Henley) being negatived.

MR. ROBERT PALMER said, that, as the author of the words in the Bill, he had no objection that they should be omitted in favour of those proposed by the right hon. Baronet.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 86; Noes 126: Majority 40.

On the Question that the Bill do pass,

MR. ROBERT PALMER said, that, as he had been unable, from the rules of the House, to move a clause limiting the operation of the Bill to one or two years, although he thought it extremely desirable that it should only be a temporary measure, he should wish to know whether the noble Lord would agree to make some arrangement for the introduction of a clause for that purpose?

LORD JOHN RUSSELL said, he had previously stated, that he had no very great objection to the hon. Gentleman's proposition, but, of course, he could not pledge himself as to what shape the Bill might take after it had been disposed of by that House.

MR. HENLEY said, he should now move an Amendment that the Bill do pass on that day three months.

LORD JOHN RUSSELL said, he wished to observe, before strangers were ordered to withdraw, that, although the declaration had been left out of the Bill by a Vote of that House, yet he considered it was of very great importance in the first place, that they should consolidate into one Act the various laws relating to bribery and treating, and in the next place, not assuming any credit or merit to himself or the Government for what had been done, that they should make the experiment of an election auditor in the manner proposed by this Bill. He did believe that more would be done to restrain the expenses of elections by the appointment of such an officer than by anything that had ever been done before, and therefore he should be extremely sorry to see the Bill lost, and should certainly oppose the right hon. Gentleman's Amendment.

MR. CRAUFURD said, that, although he had supported the Bill in its first stages, and, although he concurred with the noble Lord as to the effect of the appointment of an election officer, as he believed the Bill in its present shape would open the door to endless means of bribery, he could not now vote in its favour.

Motion made, and Question put, "That the Bill do pass."

The House *divided*:—Ayes 107; Noes 100: Majority 7.

Bill *passed*.

The House adjourned at Three o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 31, 1854.

MINUTES.] PUBLIC BILLS.—1ª Schools (Scotland); Bribery, &c.; Cinque Ports.

Reported—Parochial Schoolmasters (Scotland); Land, Assessed, and Income Taxes.

3ª Towns Improvement (Ireland); Convict Prisons (Ireland); Indian Appointments, &c.; Admiralty Court; Friendly Societies Acts Continuance.

Royal Assent—Highway Rates; Turnpike Trusts Arrangements; General Board of Health; Registration of Bills of Sale (Ireland); Jamaica Loan; Sheriff and Sheriff Clerk of Chancery (Scotland); Joint Stock Banks (Scotland); Cruelty to Animals; Portland, &c., Chapels; Returning Officers; Turnpike Acts Continuance, &c.; Jury Trials (Scotland); Friendly Societies; Royal Military Asylum; Poor Law Commission Continuance (Ireland); Heritable Securities (Scotland); Borough Rates; Ecclesiastical Jurisdiction; Stock in Trade Exemption; Common, &c., Rights (Ordnance); Land Revenue of the Crown (Ireland); Highways (Public Health Act); Public Libraries.

BRIBERY, &c., BILL.

Bill read 1^a.

LORD REDESDALE said, that their Lordships had read this Bill a first time out of courtesy to the other House of Parliament; but he thought he should not be trespassing improperly on their Lordships' time in asking the Government what course they proposed to take with respect to it. It would be in the recollection of the House that a Resolution, of which notice was given in February last, was agreed to by their Lordships in May, with reference to the time after which they would not, unless in excepted cases, read any Bill a second time; and it was now for them to consider what course they should take with respect to this Bill, having regard both to this Resolution and to the subject of the measure itself. He was glad, indeed, that he could refer to this Resolution in conjunction with the present Bill, inasmuch as it was not at all of a party character. He must thank the Government for the manner in which they had met the Resolution to which he had referred. They had treated it as one seriously adopted by the House after due notice, and up to the present time no attempt had been made to infringe it. The countenance which the Government had given to the Resolution had, in fact, had considerable effect upon the attendance of Peers; for every one believed that the Resolution was to be carried out, and therefore naturally expected that no Bills of importance, except such as were on the table of their Lordships' House before the 25th of last month, would be proceeded with. There could be no doubt that this Bill was not one of those which the Resolution in question excepted from its operation; and, although, undoubtedly, the subject was one of great importance, he thought it was one as to which the Resolution ought to take effect. The object of that Resolution was not only that their Lordships should have time to discuss measures of importance, and that there might be an adequate attendance of Peers for their consideration, but also, out of regard to the privileges of the other House, that they might have time to entertain the Amendments made by the House of Lords in Bills emanating from them. He believed, in fact, that the independence of both Houses of Parliament as legislative bodies would be materially advanced if that Resolution were properly and fairly carried out, and that more respect would be entertained for their measures if they did not pass Acts to which they were utterly unable to give a fair consideration. He had received from Earl Grey, who was unable to be present, a letter expressing his hope that the House would adhere to their Resolution with respect to this measure, and refuse to consider it in a hurry. His noble Friend added that he thought the Bill altogether a bad one, and would have opposed it if in town; and even those who approved of it must admit that it involved new and startling propositions, and required more consideration than it could receive in the month of August. With respect to this particular Bill, before it had been sent up to their Lordships' House, it had been committed and recommitted again by the other House, and had been, after all, so materially altered on the third reading, that he believed many Members who had taken part in the discussions upon it hardly knew what were the contents of the Bill as it quitted the House of Commons. And so little confidence had that House in the Bill even in its most improved state, that they only passed it after all by a majority of seven. He would, then, ask their Lordships whether they were now to proceed to consider a Bill which was not yet even printed? [Lord LYNDHURST remarked that it had been three weeks before the other House.] Many weeks. It was impossible to touch a Bill of this character without making Amendments of the most important character; and then they might have to send it down again to the other House, perhaps on the last day of the Session, to be hastily considered by the few Members who remained in town. He did not think that that was the way in which a subject of this importance should be dealt with, and he did, therefore, entreat their Lordships to adhere to their Resolution, which had already had an important effect in the present Session, although he regretted that the attention of the Government had only been recently called to it. In future Sessions of Parliament there could be no doubt that it would tend very materially to enforce the early preparation of business for both Houses; and he therefore hoped they would not break through a Resolution which had worked well hitherto, and was likely to work still more satisfactorily hereafter. He did not wish it to be supposed that he considered the present law in relation to bribery at all satisfactory; but he must at the same time add that the present Bill was open to many grave objections. He was satisfied, therefore, that they could adhere to their Resolution without at all violating the courtesy which was due to the other House, because if they entertained this Bill they must make numerous alterations in it, and by refusing to consider it they were therefore only saying that they would not send Amendments down to the other House at so late a period of the Session that it would be impossible to do justice to their consideration. He was satisfied that, by adhering to their Resolution, which they had passed deliberately at an early period of the Session, they would do that which was most likely to facilitate the transaction of business in future years, and to ensure the due consideration of measures in both Houses of Parliament.

THE DUKE OF NEWCASTLE could not deny what had fallen from the noble Lord with respect to the extreme inconvenience arising in the House from Bills of such an important character coming up so late; but, at the same time, the noble Lord would admit this was no new grievance, having been frequently the subject of complaint. He was extremely glad that the Resolution passed by his noble Friend would be tested with reference to the present Bill, because, as the noble Lord had said, it was not a party measure, and ought not, and he hoped would not, entail any party feelings or struggles in that House. His noble Friend thought the Resolution would be productive of great advantage in future Sessions, and considered it of much importance that their Lordships should insist on its literal fulfilment in the present instance. He (the Duke of Newcastle) must differ from his noble Friend as to the policy, on the first introduction of a measure of that kind, of making it so exceedingly stringent with reference to a particular case, when the other House was not entirely cognisant of the exact nature of their Lordships' Resolution; for his noble Friend admitted that the attention of the Members of the Government in the other House had only been called to it a short time ago. His noble Friend could not have considered what the Resolution was. It did not say that in no instance was a Bill to be read a second time which should come up to their Lordships' House after the 25th of July; but there were to be special exemptions of Bills of Supply and measures of urgency. The noble Lord could hardly deny that there were circumstances of special urgency in this measure. Their Lordships must be aware that, early in the present Session, the House of Commons had come to a Resolution, that the writs of five boroughs should not be issued, until some legislative measure had passed of a character likely to prevent the system of bribery which had prevailed in those boroughs theretofore. It was specially with reference to the present Bill that the House of Commons had passed that Resolution, and the House of Commons had awaited the issue of this measure before consenting to issue the writs for these boroughs. He thought that their Lordships would admit that the issue of these writs ought not to be suspended longer than was necessary, and the measure therefore came before their Lordships as a special case of urgency. He hoped, when their Lordships came to a decision upon this question, they would agree that, although it was desirable to uphold their Lordships' Resolution, yet that, as regarded the particular measure now before them, their Lordships were called upon, as well from a sense of what was due to the other House, as from the constitutional doctrine that these boroughs should not be unrepresented longer than was necessary, not to insist upon applying their Resolution in this particular case, and to give this Bill a second reading. The noble Lord had himself borne evidence to the fact that the Government had met this Resolution in a proper spirit. Bills had been introduced first into their Lordships' House as far as possible, in order not to infringe the Resolution, and there had been every desire on the part of the Government to uphold it to the best of their power, so that measures of importance should not be protracted until so late a period of the Session. He, therefore, hoped that their Lordships would not insist upon applying the Standing Order to the Bill now before them.

THE EARL OF DERBY said, the noble Duke was right in saying that this was no new grievance, and that Session after Session complaints were made of the late period of the Session at which Bills came up to their Lordships from the other House. Therefore it was that their Lordships had determined to take steps to prevent the recurrence of this evil. His noble Friend (Lord Redesdale) had, so early as the 28th of February in the present Session, given notice of his intention to move the Resolution, which on the 2nd of May received their Lordships' assent. Ample notice had therefore been given; and he must suggest to the Government, that if they intended to interfere with the Resolution on the first occasion when it became applicable, it would have been better not to pass it at all. They had placed upon their journals a Resolution which was intended to guide the proceedings of the other House of Parliament, which had become matter of public notoriety, and to which the attention of the Government had been specially called; and if, when a Bill of small importance came before their Lordships, it was said, "Oh, let this Bill pass; it is a Bill of such trivial importance that you will not think of adhering to your Standing Order;" and when a Bill of grave importance came up from the other House their Lordships were told, "You cannot think of applying the Resolution to this case, because the Bill is of such urgency and importance that it is absolutely necessary to suspend the Resolution," the Resolution would become practically a dead letter. There were several Bills that had been read a second time since the 25th.

THE DUKE OF NEWCASTLE: Only one, and that was upon the Motion of my noble Friend himself.

THE EARL OF DERBY: Of course, in the case of mere continuing Bills and Bills making no material changes he did not wish to strain the Resolution of his noble Friend (Lord Redesdale), but he thought it would be wise to adhere to the spirit of the Resolution, in order that their Lordships and the other House of Parliament should not send forth legislative measures which were discreditable to themselves, and which could not practically work well for the country; and that their Lordships should have full time to consider any Bill, and the other House of Parliament full time to consider any Amendments which might be adopted by their Lordships, and sent down to the other House for their adoption. The noble Duke said, that the Resolution excepted measures of urgency. Now, the words of the Resolution were—

> "That this House will not read any Bill a second time after Tuesday the 25th of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the second reading is moved, that the circumstances which render legislation on the subject-matter of the same expedient are either of such recent occurrence or urgency as to render the immediate consideration of the said Bill necessary."

Now, the events that had led to the introduction of this Bill could not certainly be said to be of recent occurrence or urgency. The Resolution agreed to by their Lordships was intended to provide for cases of unforeseen urgency; but had the House of Commons determined that it was absolutely necessary to legislate on this subject? The present Bill, after having been altered more than half a dozen times in the other House, in its progress through its various stages, had, after being read a third time, had one of its most material provisions—the declaration—expunged from it, on the strength of which it had received the support of many hon. Members. Then came a division upon the question that the Bill from which the declaration had thus been expunged should pass, and whatever the House of Commons might have thought of the original Bill, in a House of 200 Members the Motion that the Bill do pass was only adopted by a majority of seven. Now, was that a case in which the House of Commons could be said to have so strong an opinion of the necessity of passing the present Bill, that, out of courtesy to that House, their Lordships ought to violate a Resolution passed to remedy an evil of long standing? He denied that the Bill was a case of urgency. If their Lordships now set aside their Resolution, it would become in future a piece of waste paper; they would break faith not only with the Members of that and the other House of Parliament, but also with the public, who had a right to expect, from the adoption of the Resolution, that no hasty or ill-considered legislation would take place at this late period of the Session. The reasonableness of this Resolution had been acknowledged by the leaders of the Government in the other House, and it had exercised a practical influence upon the legislation of the other House. Some Bills had been dropped, and others accelerated, to meet the Resolution of their Lordships. But if the House of Commons saw that on the first occasion when this Resolution came into practical effect their Lordships abstained from adhering to it, and that Bill after Bill passed a second reading after the 25th of July, the House of Commons would say that such a Resolution stood indeed upon their Lordships' Journals, but that their Lordships did not mean to adhere to it—that they never intended to act upon it—and that it would be quite idle to take any trouble to send up Bills at an early period of the Session for their Lordships' consideration. This was a case which strongly confirmed him in the opinion he had before expressed, that it was desirable for each House to take into their consideration at the commencement of next Session, Bills which had passed through all the other stages in the other House. To that plan he felt convinced Parliament must come at last. Here was a Bill of great importance and of the deepest interest, in the object of which their Lordships and the other House alike concurred, and yet it was sent to them at a period of the Session when their only alternative was either to reject it altogether, or to pass it in a most imperfect state. But if their Lordships had the power of postponing it, either to the month of February or to November, if Parliament were to meet in that month, then their Lordships would be able to reconcile their duty to the public and their desire to unite with the House of Commons in considering some practical remedy. They might then make a satisfactory measure out of the present Bill, but if they passed it in its present state it would be satisfactory to none, or, at all events, to a very small majority, and their Lordships would send down a Bill to the other House which would be no credit either to themselves or to the other House of Parliament.

THE EARL OF ABERDEEN said, the true question for the House to consider was, whether this Bill did not come under the exception contained in the Resolution. Looking fairly to this subject, he thought that there never was a Bill which more manifestly came under the excepted provisions. The noble Earl who had just sat down had found it convenient to describe this Resolution incorrectly. [The Earl of DERBY: I read it.] But the noble Earl interpreted it inaccurately with a view to show that the present Bill did not come under the exceptions of the Resolution, because he said that this is not a measure of urgency. Now, he should like to know whether the noble Earl was prepared to say that the indefinite postponement of the representation of five boroughs was a matter of indifference, and was not to be regarded as a serious matter of urgency?

THE EARL OF DERBY had said, that the subject-matter of the Bill was not of such recent occurrence and urgency as was contemplated by the Resolution.

THE EARL OF ABERDEEN begged to say that it was because the House of Commons had come to the resolution that the writs for these boroughs should not be issued until a remedy had been provided against a repetition of the offences against which this Bill was directed. He said, therefore, that it was a measure the subject-matter of which was of recent occurrence and urgency, and that it was an instance in which most properly the Resolution may be relaxed. If the noble Baron who proposed this Resolution had thought of proposing it without such exceptions as he introduced, he was sure he would have had no chance of carrying it. The only inducement he for one had to agree to the Resolution was, the prospect of a liberal construction being put upon it when a case arose to require such an interpretation. They would otherwise never have thought of imposing such an arbitrary condition upon the proceedings of the other House as would have been quite intolerable, and to which that House would never have acceded. The fact was that the Resolution had already, by the admission of the noble Earl himself, produced those good effects which the noble Baron anticipated from it, and this was exactly how he (the Earl of Aberdeen) had expected it would operate—that tacitly, and without the necessity for interfering in the main, they would accomplish what they were attempting to do. But that their Lordships should be deprived of the means of relaxing that Resolution in such cases as the present was perfectly unreasonable; and, had it not been for the prospect of such a power being given, he for one would never have agreed to the Resolution when proposed by the noble Baron.

THE EARL OF DERBY thought the noble Duke and the noble Earl would find themselves mistaken as to the effect of that Resolution of the House of Commons; he believed the Resolution of the House of Commons was not that the new writs should not be issued until new legislation had taken place, but that the new writs should not be issued except upon notice of eight days being given; but there certainly was an announcement that an Act would be passed to regulate elections. There was, he believed, a Motion coming on that night in the other House, that new writs should be issued for these boroughs, notwithstanding this Bill had not yet passed.

THE DUKE OF NEWCASTLE observed, that the Resolution might not have been exactly in the words stated by his noble Friend (the Earl of Aberdeen), but his noble Friend had stated the object of the

Resolution. He (the Duke of Newcastle) begged to give notice that on Thursday, instead of moving the second reading of the Bill, he would move with reference to it a Resolution similar in terms to the exceptions in the Resolution proposed by his noble Friend (Lord Redesdale) in order that the Bill might then be read a second time.

LORD BROUGHAM thought it was not necessary that any Resolution should be moved. The noble Duke might move the Bill subject to the objection that it was against the Standing Order, and he might say it was not against the Standing Order, but in accordance with the exception to the Standing Order. No unnecessary delay should take place in bringing on the second reading. It was most highly expedient that the Bill, if it were to be proceeded with in its present shape in that House, should be proceeded with as speedily as possible, and before any greater number of their Lordships had left town than had already left it. He was rejoiced to hear that the measure would not be put off until next week, which would increase the evil of discussing so important a measure when there was comparatively so small an attendance.

THE MARQUESS OF CLANRICARDE considered that if it were deemed necessary to suspend the Resolution in this case, the sooner the House came to a decision upon the point the better. If the Order should be suspended, there should then be a very long delay before they took any further steps upon the Bill. When they made up their minds whether they should decide upon the Bill, they should then have some days carefully to read the Bill and look it over.

LORD REDESDALE said, that under the Resolution their Lordships had adopted the circumstances that were to render legislation expedient were either matters of recent occurrence or unforeseen urgency. Now, he submitted that, after what had been said, it was by no means clear that the House of Commons itself thought immediate legislation necessary; but to contend that so old a question as bribery was of recent occurrence or urgency, was really one of the most extraordinary means of getting rid of a Resolution of their Lordships that he had ever heard of. To rescind the Resolution in the present case would, he thought, go far to contravene whatever advantage might be expected to result from the adoption of that Resolution. The effect of the proceeding which was now proposed to be adopted would be, that whoever could command a majority of the House at the time could determine what Bill was a Bill that had reference to a recent occurrence, and was urgent in its nature. The rule would, therefore, do nothing at all, and there would be no protection for legislation, and he hoped the noble Earl opposite would consider the matter before Thursday; because the effect of rescinding the Resolution and considering the Bill might be, that their Lordships might make important alterations, or perhaps replace some of the provisions which the House of Commons objected to; and to send it back to the House of Commons when there would not be a large attendance of Members, would not be treating that House fairly on a question so nearly affecting its privileges. In fact, he did not think they would be paying the House of Commons a compliment by passing such a Bill at this time.

INCUMBERED ESTATES COURT (IRELAND)—QUESTION.

THE MARQUESS OF CLANRICARDE rose to ask the intentions of Her Majesty's Government as to the renewal of the Act under which the Incumbered Estates Court in Ireland was established. The noble Marquess argued that it was advisable that the present anomalous state of the law with regard to property in Ireland should not continue, but that there should be one permanent law applicable to all landed estates, and by means of which the same facilities, which he admitted had worked advantageously, for the sale of real property should be given as was afforded temporarily by the Incumbered Estates Act, while at the same time such extensive and summary powers were not vested in the Court. He begged to know whether the noble and learned Lord on the woolsack could tell him what course the Government intended to pursue, and whether he would give any promise that early next Session any plan would be brought forward for the improvement of the law of the country generally, which would enable them to do away with the Incumbered Estates Court, and improve generally the existing state of the equity courts.

THE LORD CHANCELLOR said, their Lordships were aware that by the law as it now exists under the Act of last Session, the Incumbered Estates Court had one year to endure, the Act providing that they should continue till July, 1855, and that after that a further period should be allowed for winding up any suits that were pending. His noble Friend asked what were the intentions of the Government with regard to continuing that Court, or whether it was intended to unite it with the Court of Chancery, or to make any other modification in the Court as it now existed. He would not complain at such a question being asked, but he wished to explain to his noble Friend why he was unable to give him a distinct answer now. Last Session the Government had introduced into this House a Bill for facilitating the transfer of land by means of a system of registration, but which, when it went to the other House, was not sanctioned by that House, but was referred to a Select Committee. That Committee reported that the plan was not entitled to favour, but that a Commission should issue to inquire into the best plan for facilitating the transfer of land, and by which such transfer, although not so readily effected as the sale of a horse or a watch, should be made comparatively easy. He felt it his duty to issue such a Commission, which was directed to gentlemen connected not only with this country, but to gentlemen connected with Ireland. He had recently been in communication with the Commissioners, and one of them had informed him that they had held constant meetings, and they were satisfied that they had before them one or two plans which would be a great improvement on the present law, and greatly facilitate the transfer of land. He would not give any opinion as to whether the Commissioners would be able to arrive at the result they hoped for; but he should be ready to consider any plan which would render the question of the continuance of the Incumbered Estates Court unimportant, and by which the exceptional legislation in relation to that Court would be removed. But unless some such plan was brought forward, the Government did not think it would be advisable to remove the Incumbered Estates Court, for the advantages which continued to be derived from that Court appeared to be very great indeed. Since last year (as it appeared from returns made by the Commissioners), that is, from the 1st of August to the 9th of June in the present year, there had been 400 new applications to the Court, which, practically speaking, was the same amount of applications as had taken place in the previous two years. At the same time the Commissioners, with great caution and propriety, stated that, although the number of applications was as great, the amount of property dealt with was less, as the applications related to smaller estates. When, therefore, the Government saw that the number of applications to the Court continued so great, unless some other satisfactory plan was found in relation to this subject, they thought they would not be warranted in depriving that country of the advantages which had been derived from the existence of the Court.

THE EARL OF GLENGALL declared that the most disgraceful transactions that ever had been known since courts had been invented had taken place in that Court. In many instances there had been in it the greatest jobbery that it was possible to imagine. There was a set of professional schemers in Dublin, who, by their myrmidons and agents, sent through the country to all the attorneys in the land to get cases into the Court; and the result was, that there was a system of plunder going on that was perfectly unexampled. At least one-fourth of the cases that had been brought into that Court had been brought into it by means of one firm in Dublin and their associates—their brother schemers. He should like to know exactly what amount of the property purchased in that Court had been purchased by money which had been raised by mortgage on it by the parties who purchased it. It could be proved by a vast number of highly respectable men that hundreds upon hundreds of thousands of the money had been raised by mortgage on the property purchased, and the property having now risen in value to the extent of some eight or nine years' purchase, the parties were making a very considerable profit by it. The property of some of his friends had been sold for nine or ten years' purchase, and it was now worth twenty-five years' purchase, the property having been sold when the country was ground down by famine and disease. The estates were incumbered by those purchasers as much as they ever had been before, and they were selling those properties again. One man made a regular trade of it—an attorney in the West of Ireland made a regular trade of it. Two of the Commissioners of the Court were Irish, and four or five barristers, their relatives, had the practice of the Court, which was so very far away from the law courts that the barristers practising in the regular courts could not go up there.

THE MARQUESS OF CLANRICARDE said, that the first part of the reply of his noble and learned Friend was satisfactory, but the latter part was not equally satisfactory. He again urged the necessity of doing away with the anomaly of two existing codes of law in reference to landed property in Ireland. If the law was so good as it was represented to be, it ought to be extended to this country as well as to Ireland.

PAROCHIAL SCHOOLMASTERS (SCOTLAND) BILL.

House in Committee (according to Order).

LORD KINNAIRD said, he could not allow the Bill to pass without expressing his regret that it was but a temporary measure. He hoped the Government would prepare a measure which would place the schoolmasters' salaries at an amount which would be equal to their deserts.

THE DUKE OF ARGYLL said, that this being only a temporary Bill, intended for one year only, implied on the part of the Government an opinion that during the next Session it would be their duty to renew the endeavour they had made to provide for a more permanent system of national education in Scotland. But whether the future measure of the Government would be such a Bill as the one which the noble Lord (Lord Kinnaird) had just laid on the table (a Bill to amend the Law relating to Parish Schools in Scotland), it was not for him now to speculate or to state. He must, however, observe, that the measure which the Government had introduced this Session on the subject, but which unfortunately did not meet with success, did not convey a censure upon the parochial system of education in Scotland, which he (the Duke of Argyll) believed had proved of the greatest benefit to that country. The parochial schools were certainly sectarian in the sense of being denominational schools; but it was entirely untrue that they were sectarian schools in the sense of interference with the religious opinions of the people. The salaries of the schoolmasters were now paid by the landed property of the parishes, and he thought that it was a matter deserving of consideration, how far trading and commercial incomes ought to contribute a share towards the support of the system; in which case, of course, all who contributed would be fairly entitled to a certain voice in the management. He maintained that the Bill which was brought forward by the Government for improving the existing system of national education in Scotland, but which was unfortunately lost in the present Session, was a measure founded in the main upon the ancient law and practice of Scotland, and deviating from them only in those points where the altered circumstances of the country absolutely required it.

THE DUKE OF BUCCLEUCH hoped that they should never see a system adopted in Scotland by which the public schoolmaster would be elected by the ratepayers—a system which he believed would be a curse instead of a blessing to the country. He was extremely glad that the noble Lord (Lord Kinnaird) had prepared a Bill on this subject with great care, and laid it on their Lordships' table. He had been favoured by the kindness of the noble Lord with a previous opportunity of seeing the draft of the measure, and he believed it was one that would be more acceptable to the people of Scotland than the measure which the Government had introduced without success.

THE DUKE OF ARGYLL said a few words in explanation.

Bill *reported* without Amendment; an Amendment made; and Bill to be read 3ª *To-morrow.*

REAL ESTATE CHARGES BILL.

Order of the day for the House to be put into a Committee read.

Moved, That the House be now put into a Committee on the said Bill.

LORD ST. LEONARDS said, that he wished to call their Lordships' attention to the provisions of this important Bill, and to the manner in which they would affect real estate. There were two ways in which this measure could be viewed—first, with regard to the ulterior changes affecting real property to which it would prepare the way; and next, the actual provisions it contained with respect to real property. As their Lordships might be aware, another Bill, at an earlier period of the present Session, had been introduced into the other House of Parliament, having for its object to prevent primogeniture from taking effect in regard to the descent of real estate where the owner died intestate; but that measure was rejected. The present Bill was now brought forward as a measure to provide some relief for personal estate as against real estate, and to a certain extent it would give to the next of kin the real estate, which, as the law now stood, belonged to the heir at law. If the question were simply whether or not the law of England should be altered so as to get rid of the principle of primogeniture, and to allow real estate to be divided amongst all the children in the same way as personalty, as some persons in this country desired, it was a matter of which he thought their Lordships would very easily dispose. He did not say that there might not be much argument upon the subject; but, looking at the effect in France of the system in operation there of minutely subdividing landed property, and seeing how this country flourished under the law as it now existed, nothing could be more unwise than to introduce the change which was proposed by the Bill to which he had alluded as having been lost in the other House. Now, the present Bill was an endeavour to obtain an instalment of that former measure, an endeavour to introduce a principle, the establishment of which, step by step, might have the indirect effect of accomplishing an end which, if pursued by a more direct proceeding, by Bill in either House of Parliament, would not be successful. He admitted that, if this Bill were right and proper in itself, and capable of being carried into execution, then, although some of its advocates had further and dangerous views, that would be no reason for refusing to pass the measure, and that the time for objecting to a further measure would be when that further measure came to be proposed; yet their Lordships must be on their guard against sanctioning a principle which they wished to deny, and which could only weaken the foundation of the whole existing law regarding real property, and might be used to hamper their discretion in their subsequent deliberations. Under the law as it now stood, if a man had an estate which descended to him from an ancestor, and which was charged with a mortgage, with portions, or any other incumbrance, or if he bought an estate subject to any mortgage or incumbrance, these incumbrances did not become a charge upon his personal estate; and even if he were to do an act which would bind him personally in regard to certain incumbrances upon the estate he inherited or had bought, the law would not make that incumbrance a debt upon his personal estate, unless he showed an intention to make it his personal debt; it would be a burden upon the real estate upon which it was charged, and the personal estate of the owner would not be liable to pay the debt. But if a man borrow money, although he secure it on his real estate, it is his debt, and like all other his debts, is payable out of his personal estate as the first fund. Now it had been urged that cases of great hardship occasionally arose from this provision of the law, where no provision was made by will or otherwise to meet such incumbrances, and an instance had been quoted of a person having mortgaged his estate and dying without a will or making any provision for the discharge of such mortgage, the personalty became liable to the liquidation of the incumbrance upon the realty, of which the heir at law had the benefit, to the prejudice of the other children. But this difficulty would not have occurred if the father had taken the precaution to provide against it by will or otherwise, as he might have done. Consequently, the law as it stood provided the remedy. The principle of the law, for the last two centuries, was, that the burden of the incumbrance should be borne by that class of property for the benefit of which it was incurred. If the burden were incurred for the purpose of improving the personal estate, it was but just that the personalty should bear it. The principle of the law was clear, and it was open to every man to make a provision to prevent the operation of that law inflicting hardship upon those for whom it was his duty to provide. It was not for Parliament to legislate for every case of hardship consequent upon a man's neglecting to take the ordinary precautions by will against the exigencies of his own family. It was no doubt true that many cases of hardship arose under the present law; but he could point out others equally hard on heirs at law, against which no provision is proposed to be made. For instance, a man having an estate worth 100,000*l.*, which he intended to descend to his heir finds that there was another estate that he could buy with much greater advantage if he could sell his own. An opportunity for selling might offer, and having actually sold, he might die before the purchase-money could be reinvested; and in that case the heir at law would be deprived of both the estate and the purchase-money. Well, how could they deal by legislation with such a case? It was a man's duty to make a will meeting the exigencies of his own position; and if they were to legislate for cases of hardship arising from the neglect of this duty, thousands of cases might start up, and it would be impossible to provide effectually for them by Act of Parliament. He (Lord St. Leonards) would put a still harder case. A man contracted to sell his real estate, and died before the contract was executed. As that estate descended to his eldest son, one would think that he would not be badly off, because he would be entitled to the purchase-money. But not a bit of it. Every shilling of it went to the personal estate, and the heir-at-law did not receive a sixpence more than the other children. Nothing could be more illogical than to lay down general provisions upon single cases, and it was perfectly impossible to provide by legislation for all cases that might arise. It was impossible to frame the law with reference to particular instances; and if important changes were to be made in the perfunctory and careless manner proposed by this Bill, there would be no end to the mischief that would ensue. If they were to attempt to remodel the law of England, and look to the hardships that were likely to arise on the one side and on the other, he thought it ought not to have been left in the hands of a private Member, but should at least be taken up by the responsible head of the law, and a comprehensive measure, carefully matured and well digested, should be introduced, that the country might clearly understand their intentions with regard to the law of property which had existed for centuries. Now, this Bill proposed that personal estate should not be the first fund from which to pay the debts of the deceased secured upon his real property, but that the real estate should be the first fund—that was, that the next of kin should be relieved at the expense of the heir at law. But if right it did not go far enough. If an estate were devised subject to an incumbrance created by the devisor, and an estate descended from the devisor to his heir at law, the descended estate would be the first fund to pay the debt on the estate of the devisee; so that if a man gave an estate, with a mortgage of 500*l.* created by him upon it to one son, and left another estate to descend to the eldest son, the eldest son would be liable to pay the mortgage upon his younger brother's estate, and yet no provision is inserted to meet that case. He now came to the second clause of the Bill. Upon this clause he believed the other House divided at a very inconvenient hour of the morning—three o'clock he was informed—and it was carried but by a small majority, almost without discussion, and without consideration. This clause was a most important, and, he was justified in saying also, a most improper one. It provided that—

> "From and after the passing of this Act, when any person shall die seised of or entitled to any land for an estate of inheritance, and shall have by his will directed the same to be sold for the payment of his debts or the purposes of his will, then, unless such person shall by his will have signified any contrary or other intention, the land so demised shall be deemed by a court of equity to be converted into personal estate, and the whole, or any portion thereof that may not be required for the purposes mentioned in the will, shall be divided under the Statute for the distribution of the estates of intestates."

The rule of law was, that if a man provided by will that his real estate should be sold and be converted out-and-out, as it was called, then the proceeds of the real estate become personalty; and why?—because it was so directed by the testator. And, on the other hand, if it were directed to sell the real estate to meet certain demands, and for certain purposes only, and those demands and purposes might be satisfied without selling the whole estate, the portion not required to be sold would belong to the heir at law. But this law would in every case convert the whole of the estate into personalty, and the surplus over what was necessary to satisfy the purposes of the will is to be divided under the Statute for the distribution of intestate estates. It did not enact that the whole estate should be sold and the money divided amongst the next of kin, but that any portion not required for the purposes mentioned in the will should be divided under the Statute for the distribution of the estates of intestates, so that they would thus be giving to the next of kin that which belonged to the heir at law, and, moreover dividing the real estate itself amongst the next of kin. He considered both clauses most objectionable. Moreover, he never before saw a Bill interfering with men's properties which did not save existing wills, or allow some time to enable persons to guard against the operation of the new law. Holding that the principle involved was a dangerous innovation of the law of real property, he moved as an Amendment that the House go into Committee upon the Bill on that day three months.

Amendment *moved*, to leave out "now," for the purpose of inserting "this day three months."

Earl FORTESCUE said, that he could assure their Lordships that were it not that he entertained the strongest conviction of the justice of this measure, and that it would afford a safe remedy for a great practical oppression, he would not have presumed to press upon the consideration of the House any opinion of his against the high authority of the noble and learned Lord. He thought, however, that the noble and learned Lord could not have felt so strongly as he said the justice of his own case, when he went back upon the history of the Bill, accusing its advocates of ulterior objects, and treated the Bill as an instalment of a larger measure for the abolition of the law of primogeniture. He hoped it was unnecessary for him to meet that part of the noble and learned Lord's argument; but, so far from the Bill being directed against the law of primogeniture, he (Earl Fortescue) believed that the adoption of it would tend to render that law more popular than it was at present, by depriving its operation of much hardship and injustice. The noble and learned Lord had suggested instances of hardship that might be experienced under this Bill; but he had, in moving the second reading, pointed to two out of many grievous hardships that had actually and recently occurred under the operation of the present law, a law which, be it recollected, was confined to England and Ireland, for Scotland was happily exempt from it. He had mentioned a case of a man who, having bought an estate for 1,400*l.*, left half that sum on a mortgage upon it, and dying suddenly and intestate, the whole of his personal property was taken by his eldest son, and absorbed in paying off the remaining 700*l.*, and his six younger children were in consequence left in beggary and destitution. He had mentioned another case in which a parent left the whole of his personal property to his only daughter, and his real estate, heavily mortgaged, to a distant relation. There was no doubt that his object was that the bequest to his daughter should be wholly unincumbered; but the devisee of the real estate came upon the personal property to pay the incumbrance on the land, and the result was, that the lady's estate was reduced many thousands below what her father had intended or anticipated. He would now mention a third case. A clergyman with good church preferment had ensured his life to a large amount, and from time to time bought land, leaving the chief part of the purchase-money on mortgage upon it. Being taken dangerously ill a few years ago, he made a will, leaving all his property to his wife, to be by her distributed between his two sons. He recovered his health, but lost his reason. His wife was now dying, and in the probable event of his surviving her, the eldest son would take the whole property, and the younger would be wholly unprovided for. He had heard nothing from the noble and learned Lord to alter his opinion of the hardship of the existing law, or to convince him that injury would be done by the proposed alteration. He should propose that the Act should come into operation from the 31st December, 1854, instead of from the passing of the Act.

The LORD CHANCELLOR said, that though this Bill had not been introduced under the sanction of the Government, he took upon himself the entire responsibility of saying that he believed the first clause of the Bill would be productive of unmixed good. Of the second he had not so favourable an opinion. The Bill itself would not in the slightest degree trench upon or approach the question of primogeniture. It was simply a Bill which would in ninety-nine cases out of a hundred make the disposition of property conformable with the real intentions of the owner. He agreed with his noble and learned Friend (Lord St. Leonards) that it was impossible so to legislate that no cases of hardship should exist. What we ought to attempt was, to make our enactments of such a nature that in the majority of cases in which persons gave no directions as to the disposal of their property it should go according to their wishes. He put it to their Lordships whether they did not, any of them, suppose that if they left land which was mortgaged, and also personal property, their eldest son would take the land subject to the mortgage, while the personal property would be divided equally among all their children? Such, however, was not the law. The law said that the mortgaged estate must be relieved at the expense of the personal property, and thus the younger children of a family be made to pay a mortgage on the estate of their elder brother. He believed that in ninety-nine cases out of a hundred in which this took place, it was contrary to the intention of the person from whom the property had descended. The object of the first clause of this Bill was to remedy this evil, and to make the law conformable to what was the general understanding of ninety-nine out of every hundred persons owning property. He was aware that two or three alterations would be required in the clause, but he could not see how the most strenuous advocates of primogeniture could see any danger in a clause which had no reference whatever to that subject, except so far as under that law the intentions of persons as to the disposal of their property were often defeated. He regretted that this question of primogeniture should be drawn into matters with which it was not at all connected, and thus an odium should be cast upon the advocates of the Bill which they ought not to incur. He should propose, if no other noble Lord did, that the second clause should be omitted, for he did not see his way so clearly with this clause, or that it would tend to the disposition of property as parties intended. He thought that the course for his noble Friend to follow would be to consent to certain Amendments in the first clause, rendered necessary by the incautious manner in which the Bill had been framed; and, as the object of the measure was to make the law conform with the intentions of people as to the disposition of their property, he trusted their Lordships would not object to go into Committee upon it.

On Question that "now" stand part of the Motion, their Lordships *divided :*—Content 26; Not Content 23: Majority 3.

Resolved in the *affirmative.* House in Committee accordingly.

Clause 1 *agreed to* with Amendments, fixing the date at which the Act should come into operation at the 31st December, 1854, and extending the provisions of the clause, not to personal property only, but also to real property other than that which was the subject of the mortgage.

The LORD CHANCELLOR, in answer to a question from Lord St. Leonards, said, little good would be done by excepting in the present Bill wills already made; in fact, the Bill would operate less in the case of wills than in cases of intestacy. A period of six months was to be allowed before the Act came into force, to enable parties to consider whether alterations in their wills were necessary, but he would, before the bringing up of the report, consider whether a longer period than six months should be allowed for this.

Earl FORTESCUE said, that after what had been stated by his noble and learned Friend, he would not press the second clause.

The Lord Chancellor

Clause *struck out.*

Report of Amendments to be received on *Friday* next.

DRAINAGE OF LANDS BILL.

Order of the Day for the House to be put into Committee read.

Moved, That the House be now put into Committee on the said Bill.

Lord PORTMAN hoped that their Lordships would not consent to proceed, at this period of the Session with this Bill, which contained sixty clauses, affecting all the real property in the kingdom. He could venture to say, from the attention he had given to the subject, that no such Bill as the present had ever passed through their Lordships' House; for it not only interfered with all the property specified in the Bill, but with a great quantity which no one would suspect was touched at all, unless, in reading the various clauses of the Bill they bore in mind the construction that the interpretation clause put on various words. He considered that the powers given to the Commissioners were too large, for under this Act they were empowered to sell any portion of anybody's land not exceeding three acres, to anybody whom they might think fit to authorise to buy it. This, he thought, was rather strong, and it was made still more so when they remembered that the word "land" meant mills. Now, as mills seldom stood on so much as three acres, the consequence of this would be, that the Commissioners would be empowered to sell every mill in the kingdom, and the Commissioners themselves were to fix the amount of compensation to be given in such cases. They were also empowered to appoint an engineer, who, as soon as he was appointed, became an assistant Commissioner, invested with all the powers given under the Drainage Act. He thought that, under the present measure, too much licence was given, and he objected to it also, because it did away with the checks which they had under the old Drainage Act. The Commissioners had large powers to deal with property under 50*l.*, but, in the cases of those who were able to do good battle on their own account, the Bill made exemptions in their favour, as in the case of the Crown; there was also an exception in favour of all canal navigations, because the parties concerned in such works were powerful bodies; and his noble Friend the Chancellor of the Duchy of Lancaster had thought it necessary that that duchy should be exempted.

He (Lord Portman) thought that when their Lordships saw that the powerful had been protected, they would endeavour also equally to protect the small proprietors. Had this Bill been carefully watched by the law officers of the Crown, he believed it would never have passed the House of Commons; and, supported as the Bill had been by the Drainage Company—the vice chairman of which had the conduct of the Bill in the other House, though he (Lord Portman) believed that gentleman to be as pure as any Member of that House—still he could not help thinking that, under these circumstances, the Bill should be viewed with some suspicion. He trusted his noble Friend would consent not to proceed further with the present measure, but would next Session take up the subject and have a Committee carefully to consider whether they could not have a perfect drainage without committing the injustice with which the present Bill was fraught. The noble Lord, in conclusion, *moved* an Amendment, to leave out "now," for the purpose of inserting "this day three months."

Earl GRANVILLE said, that a few days ago, when considering the Resolution proposed by a noble Lord (Lord Redesdale) as to not taking the second reading of Bills after a certain day, they had had a debate upon the question of Bills coming up late to that House; but his noble Friend who had just sat down seemed to be pushing that Resolution to rather an extreme verge, when he endeavoured to induce their Lordships to refuse to consider a Bill, which he (Earl Granville) believed to be most unobjectionable in its character, and which had been most carefully discussed and considered in the other House, merely on account of the advanced period of the Session. His noble Friend, referring to the interpretation clause, said, that the Bill gave the Inclosure Commissioners the power of purchasing land and mills whenever they pleased. He could only say that the Commissioners had hitherto enjoyed precisely the same powers as were conferred by the present Bill, without any charge having been brought against them of having misappropriated those powers with regard to the purchase of mills. His noble Friend quite misapprehended the matter, because it was absurd to imagine that the Bill gave any arbitrary power to purchase mills. It was merely intended for the purpose of effecting an easement, where such might be necessary. His noble Friend also objected to what he termed the very objectionable power given to the Commissioners, of authorising any person they thought fit to purchase land wherever they pleased—as if these people were about to take possession of land for their own purpose! Why, the principle of the Bill was one which had been affirmed previously both by their Lordships and by the other House. It was, that there being at this moment a more urgent demand for drainage than at any former time, there should be the power vested in Commissioners for securing outfalls. The most useful works of this description were frequently stopped by the impossibility of obtaining outfalls, and he put it to their Lordships—who were always most anxious to preserve the rights of property—whether, when a great and useful object was to be attained, and proper conditions were placed upon the attainment of it, a proprietor was to be allowed, from a "dog-and-manger feeling," and no other, to interfere with these operations, which might be of the greatest benefit to others, and ultimately even to himself, and even although he was to be amply compensated for any damage that might accrue to him? His noble Friend had objected also to the exemption clauses. So far as the clause for securing the rights of the Duchy of Lancaster was concerned, he assured his noble Friend that it was not at his suggestion, or that of his predecessor, that it had been inserted; it had been done by those who had drawn up the Bill merely as a matter of form, there being exemptions of exactly a similar nature in previous Bills. He certainly could not think that on account of the exemptions, therefore any case had been made for throwing out the Bill. He was not inclined to think any worse of the measure because it had been promoted in the House of Commons by a Gentleman who was connected with the Drainage of Land Company. That Gentleman was no political friend of his, but he said, without hesitation, that there was no single person in either House of Parliament, of whatever politics, in whom he would more entirely confide in any matter that required perfectly straightforward, honourable conduct, than Mr. Ker Seymer, who had introduced this Bill into the other House. He should be happy to consider any suggestions for improving the Bill in Committee, but he thought his noble Friend had shown no reason why this very useful measure should be postponed to another Session.

LORD REDESDALE said, he had come to the conclusion that the powers granted under the Bill were extravagant beyond measure, as interfering with the property of other persons besides those who might promote the undertaking. He felt he had no other alternative than to regard the Drainage Company as the actual promoters of the Bill, and he believed that the hon. Gentleman (Mr. K. Seymer), in consequence of his position relative to that Company, had been induced to try for this extension of powers. He felt quite certain that a Bill of this nature ought, previous to its becoming law, to be fully reviewed by a Select Committee of their Lordships; and he, therefore, trusted that the noble Earl would accede to the suggestion of his noble Friend opposite (Lord Portman), and not press it this Session.

On Question, that "now" stand part of the Motion, their Lordships *divided*:— Content 13; Not Content 23: Majority 10.

Resolved in the *negative;* and House to be put into Committee on *this day Three Months.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 31, 1854.

MINUTES.] PUBLIC BILLS.—1° National Gallery, &c., Dublin (No. 2); Militia Ballots Suspension; Public Revenue and Consolidated Fund Charges (No. 2).
2° Usury Laws Repeal.
3° Cinque Ports; Acknowledgment of Deeds by Married Women; Duchy of Cornwall Office.

PUBLIC HEALTH ACT AMENDMENT BILL.

Order for Second Reading read.

VISCOUNT PALMERSTON: I rise, Sir, according to notice, to move the second reading of the Bill to continue for two years the Board of Public Health, and those Acts which confer their powers on the local and general boards of health. There cannot, I conceive, be any subject which is more interesting to Parliament, or which is more deserving of the attention of Parliament, than that which contemplates arrangements for the protection of the public health. When I say "the public health," I do not allude to the health of those wealthier classes of society who either have the means when casual sickness attacks them to have recourse to the best medical advice, or who, when they find themselves in a place where an epidemic has broken out, can fly to a healthier region, where, with all the appliances of art, and all the resources which opulence can place at their command, they can screen themselves from the danger which menaces them:—I speak of those humbler and poorer, but much more numerous members of the community, who by their calling are fixed to spots from which they cannot fly—who by their poverty are precluded from having recourse to the aids of art and science—who, from their want of information, are unable to protect themselves, by such means as may be at their disposal, from the noxious influences which surround them, and for the protection of whose health, therefore, it is most incumbent on the Legislature to make provision. We must remember that with such persons health is not, as with the upper classes of society, a mere question of pleasure, of enjoyment, or of comfort. Health to the lower classes is life—it is existence itself—it is the very breath they breathe. As long as they have health, so long they are able to labour, and to apply their industry to purposes useful to themselves and beneficial to others; but when sickness oppresses them, they are cast down into helpless poverty, and either they themselves, with their families, or their families if they should die, probably become burdens to that community of which they ought to be the mainstay and support. There is no part of the world more favoured by nature than this island in which it is our happiness to live. Men of science have explained to us how it happens—by what beautiful and merciful contrivance of Providence it has been so arranged—that these islands which, from their position in regard to the globe, might have been afflicted with the climate of Siberia or the Baltic, do in fact enjoy the most temperate climate in the world — how it happens that this country is free, on the one hand, from those burning heats which are so destructive to animal and vegetable life in other quarters of the globe, and exempt, upon the other, from those extremes of cold which in so many regions of the world make man, and beast, and vegetation alike torpid during the greater portion of the year. Our climate offers to us the means of enjoyment, the means of industry, the never-failing opportunity of accumulating wealth; and not only has it increased the opulence of the country, but, through the exertion of acquiring it, it has given to the people who reside in it habits of intellectual energy and physical strength, which enable them to rival the people of any part of the habitable globe. But although nature has done much, it cannot be said that man has seconded by his efforts the bounty of Providence. We are certainly liable to this reproach, that we have turned our attention too much to the production of wealth, and have forgotten that the very conditions of society which are most favourable to that object are also most favourable to the production of those influences which affect health, and by so doing counteract the production of wealth, and lead to the engendering of poverty. In order to the production of wealth, it is essential that men should be congregated in vast masses in towns. All the tendencies of our commercial and manufacturing habits have for years proceeded in that direction. Our towns have increased greatly in number, and prodigiously in extent, and our wealth has proportionally augmented. But men engaged in the active occupations of business, and in the acquisition of wealth, have not their attention sufficiently called to the influences incidental to the condition of the towns in which they live—influences which tend to undermine, or it may be destroy, the health of those masses on whose exertions they depend for the employment of their capital and the increase of their wealth. This matter forced itself on the attention of the Legislature some years ago; and in 1848, my noble Friend (the Earl of Carlisle) brought into Parliament a Bill—of which I now propose the continuance—in order to establish a General Board of Health, the object of which should be the diffusing of information, and the spreading of local organisation throughout the country for purposes of general health and comfort. The general outlines of that arrangement were, that there should be established in London, in connection with the Government, a Board to take cognisance of the health of the country at large, to superintend sanitary organisation, to collect authentic information on the subject, and to give advice to those who might require it. But the ultimate purpose to which the labours of this Board were to be directed was to create in towns and in districts local boards, self-governing, composed of persons belonging to the respective towns or districts, who, by their knowledge of the particular condition of the locality, and by the information they might acquire of themselves, or obtain from the General Board, might be in a position to make effectual those arrangements, and to adopt those precautions, necessary for securing, as far as human regulations may do it, the health of the quarter committed to their charge. The Act of Parliament then passed gave to these bodies large powers, but powers not more extensive than were necessary for the attainment of the object for which these boards were to be established. There was a certain process defined by means of which, upon an application from towns and cities, these local boards were to be established, and the powers of the Act to be consigned to them. And the Act had this merit also, that it guarded against an evil which had long been complained of, and which had been very severely felt, in respect to Parliamentary proceedings. One most serious obstacle to local improvements in former years was the great expense of carrying local Bills through the two Houses of Parliament. This evil, which had been long felt and generally condemned, was remedied a few years ago in a particular class of cases—such as the Inclosure Acts—by arrangements which have proved most satisfactory, and which have tended very greatly to the improvement of the country, while it had prevented much needless expenditure. Arrangements of a similar description were, therefore, adopted with regard to these local boards of health; and the result has been, that whereas in the ordinary course of proceeding the cost of each of these Acts would have been, upon an average, 2,000*l.*, these local bodies have been constructed under the provisions of the Act which it was now proposed to continue, and invested with all the powers that a local Act could have conferred upon them, at a cost varying from 150*l.* to 200*l.* each. From no fewer than 300 towns there have been applications to be brought within the operation of the Act; 182 local boards have been actually established; and in regard to all these a saving of five-sixths of what would have been the expense had it been necessary to go through the process of obtaining local Acts has been effected. The Act—the Public Health Act—has been continued from time to time, but it will expire at the end of the present Session of Parliament. Such is the present state of the question. But, I am sure that there cannot be two opinions as to the inexpediency of permitting arrangements which have been so carefully contrived to fall now suddenly into disuse. You are dealing with the interests of millions of your fellow-subjects—men who cannot take care of themselves, and who, if exposed without protection to the calamities which from time to time sweep over the face of the country, will become not only wretched and ruined themselves, but will become, through themselves or their families, a serious burden on the community at large; for if an unfortunate workman, afflicted with a fatal sickness, died, his family in all probability was thrown upon the parish. But, it must also be remembered that, even if death should not overtake either him or them from the want of sanitary arrangements in the towns wherein they dwell, the children are probably brought up in a state of disease, the consequences of which they feel for ever, and they are consequently dependent all their lives on private charity or the support of the parish—

> "To help them through that long disease—their life."

This is, therefore, a matter which we are bound to take into consideration, not only upon grounds of humanity and duty, but also out of regard to the interests of those whose interests we are especially bound to protect. It is a matter which concerns alike the pecuniary, the commercial, and the local interests of the country; and, as such, it has an imperative claim upon the attention of Parliament, and Parliament is bound to take care that those arrangements which now exist for the preservation of the public health should not be permitted to drop. At the present moment I think it would be peculiarly unfitting that such laws should be allowed to expire. I do not wish to create alarm—I frankly admit there is no ground for alarm; but the truth ought to be known: it would serve no purpose of policy to conceal the fact, that a terrible disease—a disease more terrible in apprehension than in reality—the cholera—prevails more or less in many parts of Europe; and that, during the last twelve months, it has prevailed with fatal violence in many parts of this country. We all know what ravages it made in Newcastle, and that it has been very severe in Glasgow. Even now it is showing itself in various districts of this metropolis. I do not, I repeat, desire to create alarm by this statement; on the contrary, I am sensible, and I should wish the country to be aware, that although the most formidable and fatal of all maladies if left to itself, it is, I believe I may venture to say, of all calamities the most manageable if taken in time, and if proper and scientific measures are adopted in its early stages. It is a fact established by experience, and attested on the authority of the most eminent medical men in Europe, that if you apply to the cholera in its earlier stages those means and methods which medical skill and science enable you to apply, you may almost in every case give such a check to the malady as will render its further progress impossible. But these means and methods require direction and combination. One of the most efficient and beneficial plans for preventing the ravages of the cholera that has been adopted is that which is called "house-to-house visitation," suggested by the General Board of Health—the system by which gentlemen, in a manner most honourable to themselves, formed themselves into committees, and undertook the task of going through their districts day by day, and ascertaining the existence of those premonitory symptoms, of which the persons who suffer them are hardly conscious that they mean anything particular, but which when pointed out and disclosed, render possible the application of remedies by which thousands upon thousands of lives have been saved. Amongst the Queen's troops stationed at Newcastle, last year, there were 800 cases of incipient attacks of cholera; but only four turned out fatally. These men, it must be remembered, being under the hourly inspection of their officers, and having the advantage of continual medical attendance in their regiments, applied for medical relief as soon as the disease manifested itself, and while they were stationed in that town, only four of them sank under the prevailing epidemic. I say, therefore, that upon general principles of public expediency, it is desirable to uphold this system; and if this be so in periods of comparative security, surely the case must be still stronger in a season of national emergency. Surely, at a moment like the present it would be something worse than madness—it would be absolute guilt—on the part of Parliament to deprive the country of the advantage of those medical arrangements against a calamity which may in a few hours overspread the land, which this Board was purposely established to provide. If we do so we shall pursue a course as criminal as it is infatuated, and we shall probably have upon our consciences the deaths of thousands, who, in the absence of such means of protection, will fall victims to a devouring malady. I cannot believe, therefore, that Parliament will hesitate to continue for a limited period the General Board, and the arrangements with respect to the local boards which have been established under its supervision. The question, however, fairly arises, upon what conditions the Board shall for the future be placed. On this subject I can have no hesitation in saying, that although the arrangements introduced by Lord Carlisle's Act had many recommendations, and worked well in many respects, yet they have not, on the whole, produced such a condition of things as it would be advisable for Parliament to continue. The constitution of the General Board was, in the first instance, one paid member, one unpaid member, and the First Commissioner of Board of Woods and Works. The latter was President of the Board only in virtue of his office as chief of the other department; therefore the Board was, to all intents and purposes, an independent body in the State, administering matters of the greatest public importance, but not under the control of any department of the Executive Government of the country, nor represented by any responsible organ in Parliament. This, I think, was a mistake. I think it was a mistake to place a Board having various and important functions to perform—functions in which many interests are, one way or another, involved, and which it was scarcely to be expected that they should be able to discharge without in some degree thwarting the views and projects of a large class of persons, who derived a fair and legitimate advantage from the previously existing state of things. Such being their position, and such the delicate and difficult character of their duties, it was, I think, upon the whole, a mistake to place the Board in the independent, and, so to speak, "unseen" condition in which it has hitherto remained. Therefore, although the object of the present Bill is to continue the Board for a limited time, and to a certain degree in its present condition, it introduces an important alteration in its government and administration. Its object is to connect the Board with the office of the Home Department, so that it may be a branch of that establishment. In a word, I wish to place the Board under the direct order and control of the Secretary of State for the Home Department. Not that the Home Secretary should be a member of the Board, bound to daily attendance, for that would be physically impossible; but that he should have the power of the appointment and removal of the members of the Board, and the right to give such orders and directions to the Board as, acting upon his own responsibility, he may think fit to issue. The result will be that the Home Secretary will be, in the first place, answerable for the personal composition of the Board; and he will be, in the next place, responsible for anything done by the Board of which complaint may be made. Either individuals or bodies, who may suppose they have a cause of complaint in regard to anything which the Board has done, or is about to do, will make that complaint to the Secretary of State for the Home Department, who will examine into the matter. If, upon a full consideration of all the circumstances of the case, he shall think fit to sanction what has been done, or what is intended to be done, he will be here to answer for the proceeding in his place in Parliament; but if, on the contrary, the complaint shall, in his opinion, prove to be well founded, he will make it his business to grant redress upon his own responsibility, so that no man may suffer an injustice. This, I think, will be an improvement upon the former system, which, I must say, was not altogether in accordance with the principles of our Parliamentary constitution. It may be asked, why place this Board under the Home Secretary? Simply because the Home Secretary is or ought to be Minister for the Interior, and there can be no business which more imperatively commands, or more eminently demands, his attention than the care of the general arrangements for the health of the country. If he does not do that, what is he to do? You may as well abolish his office altogether, as to deny him jurisdiction over concerns which are matters of vital interest—I do not mean a play on words—to the masses of the community. It is, in fact, the first duty, and the most legitimate function, of a Home Secretary to attend to such matters, and from which he cannot shrink. Even as it is, although I have no power over the Board of Health, which, as at present constituted, is an entirely separate body, and no more bound to obey my orders than is the Navy Board or the Victualling Department, I every day of my life receive from some part of the country applications connected with the business which the Board of Health is specially appointed to transact. One correspondent complains of defective drainage, another calls my attention to the fact, that an epidemic has broken out in a particular district; and thus I am, in one way or another, in continual communication with the Board of Health upon these subjects, although I have not a particle of authority over them, not the least official power to order them to do or leave undone any particular thing. The Home Secretary is, in my opinion, the man who, upon every principle of justice and sound policy, and from the constitution of his office, ought to be vested with the authority and responsibility of these matters; and it is for the purpose of conferring such authority and responsibility upon him that I have framed the Bill for which I now solicit the sanction of the House. It may be said that I ought to create a new office for this purpose, and that there should be a President of the Board of Health sitting in Parliament, who should be an entirely independent officer. If such a suggestion be made, all I can say is, that it is a new thing for Members of Parliament to press upon a Government the expediency of creating a new office which the Government do not think necessary for the public service. Looking simply to the convenience of Government, in regard to the divisions in this House, and looking to the three great objects of making a House, keeping a House, and cheering the Minister, I apprehend no Government would object to have a new office forced upon them by a vote of this House. But the matter is one of too great importance to be dealt with on the principle of party convenience. Consolidation, and not the splitting up of departments into various sections, has been the principle upon which administrative organisation has of late years been pressed upon the Government and acted upon by them. My right hon. Friend the First Lord of the Admiralty has made some arrangements of great value on that principle in the naval department, consolidating under one head various departments of the Navy which had previously exercised a comparatively independent authority, and the result has been most beneficial to the service. Parliament and the country have been crying out lately for the application of the same principle to the military department. Everybody has been saying that the separate Boards should be abolished, and that Commissariat, Ordnance, and barracks should be brought under one head to ensure unity of action and singleness of responsibility. This being the spirit of the age and the prevalent opinion, it would be an anomaly to separate the department of the Board of Health from the Home Office, and to constitute it a new and independent department. And, so far from any advantage arising from it, it is my opinion, the constituting it into a separate department would be productive of the greatest inconvenience and delay. The Home Secretary could not shut himself out from applications in respect to matters of this kind, and it is manifest that a correspondence between the Home Office and a separate and independent department would be attended with much delay, uncertainty, and confusion, and even, perhaps, conflict and collisions of opinion, all which would be avoided by placing these subjects under the responsible control of the Home Secretary. It is on these grounds that I submit to the House the arrangements contained in this Bill. It provides that the Board shall continue for two years; but, if the House should be of opinion that it would be better to limit the duration of the Bill to one year, that is an alteration to which I shall not object. Moreover, if next Session the House should be of opinion that it would be desirable to inquire, by means of a Select Committee, into what has been doing in this matter since 1848, I shall not be disposed to controvert the propriety of that course, or to oppose it in any way. I do not want to force upon the House my own opinions in this matter, but I do submit that it is expedient to continue, for a limited period, the arrangements that have been in existence since 1848, with the material alteration which I have already described—an alteration, the effect of which will be to bring the Board into active connection with a responsible public officer. Should it be the opiniou of the House next Session that this arrangement does not work well—for I, like any other man, may be deceived in my expectations—it will, of course, be competent for them to reconstruct the system on any other principle that may be deemed most desirable. There is one other point upon which I cannot avoid touching, though I do so with great reluctance—I allude to the objections that have been made to some of the persons who constitute the present Board; but, not having had any detailed information of their proceedings, I am not now disposed to express any decided opinion on this branch of the subject. But this I do know, from returns and from facts—this I do know, in some degree, from personal observation—that infinite good has been accomplished, and that a system has been suggested and carried into operation which has had the effect of saving a great number of lives which would otherwise have been sacrificed to epidemics. I know also that applications have been made by no fewer than 300 towns for the assistance of the General Board in the establishment of local boards, and I know that local boards have been actually established in upwards of 180 towns, and I am informed that, notwithstanding that circulars have recently been addressed to all these towns entreating them to petition against the renewal of the Public Health Act, two or three towns only have complied with that requisition, while the overwhelming majority have spoken of the Act in the highest terms of commendation, and have expressed an anxious desire that the present law should continue and their satisfaction at the arrangements that have been made by the Board. On the other hand, I am assured that great personal unpopularity attaches to one member of the Board. I know not how the facts may be, but this I do know—and I am bound to apprise the House of it—that all the members of the Board have placed their appointments in my hands, and have declared in the most frank and honourable manner that, if there be any prejudice against them, well or ill founded, which is likely to impede the operation of the Act, or to prove injurious to the public service, they shall be ready to retire from the Board whenever the Government thinks fit that they should do so. I think it right, also, to inform the House, that in the event of the Bill now receiving the second reading, I mean to propose a clause in Committee assigning retiring allowances to such officers of the Board as may be entitled to claim them, on the usual scale of retiring allowances, so as to make it easy for the Government, if they should think fit, to enable members of the Board who may, by former services, have a just and fair claim to retire. I mention this subject because I think it is due to the persons concerned, against whom I know that considerable prejudice exists, that I should state the circumstances. I am sure the sense of justice will induce hon. Members to weigh carefully the facts upon which these representations have been made. Prejudice, I feel well assured, will not overbear the interests of truth. Englishmen are not apt to be run away with by clamour, nor is it their habit to condemn men without knowing why. It has been said that the Board have, in their defence, imputed base motives to large classes of men; but that is not a fair way of stating the case. The Board have certainly had to manage arrangements which conflicted with the fair and legitimate interests of many very intelligent and very active men. That part of their system which enabled the General Board to erect local boards out of municipal councils without the expense or delay of obtaining local Acts, necessarily took away the fair and ordinary profits of many a respectable man. The improved arrangements which they suggested conflicted in many cases with the interests of water companies, as well those already in existence as those which were merely projected. The methods of engineering which they suggested interfered, for a time, with the previous opinions and the employment of local engineers; and, all things considered, it is not to be wondered at, that great prejudice should be created against them, in many respects without good and proper justification. However, I do not wish to enter into a discussion of this subject—it is one which rests between the Board and their accusers. My object is simply the organisation of the department. I do not want you to pronounce any opinion upon the men; but I have their authority for saying, that they hope that no personal consideration affecting themselves will prevent any arrangement being come to which the House may think conducive to the public interest. I hope, therefore, that the House will perceive the propriety of passing this Continuance Bill. I think it a matter of the deepest possible interest to the great mass of the people in this country. At the present moment especially, to take away the means of guarding against an epidemic which is fatal only when it is not met by the anticipatory means which medical science affords, which means can only be effectually applied by consultation with some central authority, will be, in my opinion, to incur a responsibility which I should be very sorry to see the House of Commons taking upon itself. Well indeed would it have been for all the towns in this country if they had all adopted the same measures of cleanliness that have been adopted by some, under the superintendence of the Board of Health. Not the cholera only, but those diseases which now spread such havoc amongst the population would have either altogether disappeared or assumed a softer and less formidable character than they now, unhappily, present. Some hon. Gentlemen in this House are accustomed to lament the bloodshed and loss of life that inevitably accompany war, and there are others connected with agricultural interests who frequently deplore the injury inflicted upon those interests by the scarcity of husbandmen, which is consequent upon excessive emigration; but the House may depend upon it that thousands of lives are every year lost in this country which might have been preserved by better sanitary arrangements and more skilful methods of treatment; and I do not hesitate to assert that disease has deprived us of more men than all the ravages of war, or all the emigration ships that have ever sailed from England for all the ports of the world. It is a question interesting to every class—to the employers as well as to the employed. Upon the health of our people depend the prosperity, welfare, and greatness of the nation; and I hold it to be the primary duty of the Legislature to omit no means which can be provided by legislative enactments, or improved administrative and medical arrangements, for the purpose of securing the health of the labouring classes of the community, who are tied to the spot, who cannot fly from the pestiferous courts in which they live, who are compelled to see the pale faces of their children and their neighbours becoming more and more wan day by day, who are living in the midst of filth which I will not offend the ears of the House by describing, and who, even when no epidemic rages, are subjected to diseases which sap the vitals of their strength by deadly and irremediable poison. I conceive that, when by legislative enactment means could be afforded to that valuable and most numerous class of society to extricate themselves from those dangers to their health which they are now unable to escape, the House would take upon itself a responsibility I will not believe it will incur by refusing to adopt such an enactment. I shall feel convinced, until I hear the contrary, that no man who really feels as an Englishman—no man who is a friend to humanity —no man who is actuated by those sentiments which ought to animate every Member of this House—can propose to deprive the country of the necessary means of preserving the public health. I shall feel convinced, until I hear the contrary, that no man will get up in this House and object to the continuance of the Act to which this measure refers for the limited period proposed by the Bill. I beg, therefore, to move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord SEYMOUR said, that, in rising to oppose the second reading of the Bill, he did so from no feeling of antagonism to the Government, or to the noble Lord who was so distinguished a Member of that Government:—this was no party question, and it would be a great misfortune were it ever so treated. The noble Viscount had spoken of this Act as having been introduced in 1848, and since then renewed from time to time; whereas it was passed in 1848 for five years, and to the end of the then ensuing Session of Parliament—so that this was precisely the time when the Legislature was properly called upon to review the operation of the measure, and nothing could be more unreasonable than the proposition of a noble Earl elsewhere —the non-official member and patron of the Board (the Earl of Shaftesbury)—that such review of its proceedings was an unhandsome attack upon absent individuals. The object of the Act of 1848 was twofold —to introduce sanitary measures for the benefit of the country, and to constitute a board for administering the functions created. As to the necessity of a Public Health Board, no one denied it; the point to be clearly established was the value of a Board which almost entirely depended on the manner in which it was administered. He thought he could show the House that, as the present Board of Health had conducted its proceedings, it had been a misfortune and a mischief rather than an advantage to the country. He would premise that, so far as he was concerned, the suggestion of the Home Secretary on a former occasion, that those who opposed the Board did so from feelings of personal or private dislike, was quite unfounded. He had no personal or private dislike towards the members of the Board; his whole communication with them had been of an official character, and his objection proceed altogether upon official and public information, and upon public grounds. The Board, as appointed in 1848, was to consist, not, according to the noble Viscount's notion, of two paid and one unpaid member, but of one unpaid member, one paid member, and a president, who was to be the Chief Commissioner of Works. With such a composition, it was obvious that the Chief Commissioner of Works had a power which he could not have when they came to appoint two paid members. He had, then, a real controlling power over the Board, which was defeated when an additional paid member, appointed to carry out the Interments Act, came into operation; and with it was defeated also the intention of the Legislature. He had great respect for the zeal and charitable motives of Lord Shaftesbury, with whom he had acted most confidingly on various Commissions; but there were many social principles of action which guided the noble Earl from which he entirely dissented, and those principles were conspicuous in the administration of this Board. The Public Health Act and the Nuisances Removal Act together permitted an interference with every trade and every occupation, of the most arbitrary and most stringent character. Inspectors might enter any house they pleased, order what improvements they chose to call so, and, if the improvements were not made by the owners, have them made under their own direction, and mulct the owners of the cost. These were great powers, which could safely and properly be intrusted only to persons who would exercise them with the greatest judgment, the greatest caution, and the greatest forbearance. The Board of Health had exercised them to a very large extent, without either judgment, or caution, or forbearance. The Board was not only an executive Board, it was also a legislative Board, enabled to make provisional orders which, in the case of rural districts, or of small places not protected by local Acts or by actual interposition on the part of the House, were carried out by Orders in Council, obtained almost as matters of form, but which then operated as Acts of Parliament. The noble Viscount said that the functions of the Board were to advise the Government as to sanitary measures, and next, to administer the law intrusted to their care. Neither of these functions had been satisfactorily discharged by the Board. As to their advice, the Government of the time had required the Board to advise it upon the subject of metropolitan interments. The Board took a long time—above a year and a half—in making inquiries, and involved the country in heavy expenditure in getting information, or what purported to be information, from all parts of the country and from abroad. In 1850 they had completed these inquiries, and prepared their scheme. What was their scheme? Its two great principles were, first, that the Board itself should be constituted a corporate and permanent body, to carry out the act which they recommended to the Government; and secondly, that the body so formed by the Board should have the monopoly of all the funerals of the metropolis, so that no one within its limits, high or low, rich or poor, should die, but that they were to be empowered to pounce upon the body, to bury it, and to exact a fee from the survivors. All the ordinary feelings of mankind were to be set aside, all the tender emotions of relations to be trampled upon, all the decency of mourning, all the sanctity of grief, to be superseded, in order that the Board of Health might get their funeral fee. So great and general was the alarm produced by the promulgation of the scheme, that the Secretary of the Home Office—the present Secretary of the Colonies—would only consent to take the measure up in a modified form, and, having greatly altered its scheme and provisions in order to allay the public feeling, presented it to the House, where it passed, still much to the dissatisfaction of the general public. That was one instance of the advice given by this Board. Let him mention another. The House would remember that there was a great desire in the public mind that some scheme should be brought forward for the supply of water to the metropolis. The public feeling, indeed, on the subject was so strong that the influence of the water companies would have been as nothing against it; and had the Government brought in any really effective measure of their own on the subject, whatever it might have been, there was little doubt it would have been carried. But, unluckily, the Government again recurred to the advice of the Board of Health. The advice of the Board was, that they themselves, as a corporate body, should control and regulate the whole supply of water to the metropolis, that all the existing river and stream supplies should be abandoned, and that the 2,000,000 of persons inhabiting the metropolis should be left dependent on such supply of water as could be scraped out of the sand of the Surrey hills. That scheme of theirs was under the consideration of two Governments—of the Government of the noble Member for the City of London and of the Government of Lord Derby; but neither the one nor the other could make up its mind to adopt such a scheme. Both rejected it; both were necessitated to reject the advice which had been given by this notable advising Board. Where, then, was the use of such advisers? Why, their advice was worse than useless; it was advice which, if adopted, would have been in the highest degree injurious in both the instances he had cited. There was another occasion of recent date on which they had given their advice to the noble Minister of the Home Department. His noble Friend, indeed, had carefully guarded himself against the imputation that he had so wasted his time as to read the Report they had sent in to him, setting forth their advice *in extenso;* but, unluckily, he had taken their advice, which, proceeding on the premiss that the Commissioners of Sewers were going on very badly, declared that nothing would save the country but the adoption of tubular drainage, the pet device of the Board of Health. Thereupon the noble Lord sent a letter to the Commissioners of Sewers; and the next thing the public heard was, that the Commissioners of Sewers sent in their resignation in a body. There was general consternation as to what would be the result of the advice of the Board—general confusion. The Commissioners had, however, been got to work again—and how the noble Lord had managed it he could not imagine. What was the precise state of the matter now was not very clear; but such was the advice of the Board on that matter. Another illustration of the advising capabilities of the Board was presented in the Nuisances Removal and Diseases Prevention Act Amendment Bill, which, framed on their advice, Lord Shaftesbury had presented to the other House of Parliament. That was a measure which, so far from mitigating the objections which the arbitrary and stringent character of the previous Act had everywhere aroused, so aggravated the stringency of the existing measure, that when the Bill came down from the Lords, he (Lord Seymour) had, with the general approval of the House, moved that it be read a third time that day three months, and the noble Viscount had been fain to withdraw it. So much for another specimen of the valuable advice of this Board. He would put it to the House whether the public were to continue to pay a Board for giving such advice as that. Was it worth while to keep up an advising department on such terms as these? Their advice, he would repeat, was worse than useless; it was advice calculated to bring discredit on the Government and on the House itself, which should, for a moment, entertain such councils. The advice these gentlemen gave was not limited to the Government or to the House; they advised on a much larger scale, but still at the public cost. He held in his hand a statement exhibiting how they diffused their advice. The House was aware that the charge for public printing was assuming an absolutely frightful aspect; that more than 250,000*l.* per annum was expended on this charge. And what sort of printing did they get? When the House ordered a public paper to be printed, they were satisfied with printing 1,000 copies, and a handsome number of copies too; but the Board of Health, when they ordered a paper to be printed, were by no means so satisfied. For example, their "Report on Extramural Sepulture," a lengthy document, of no practical use to the general community, but pleasing to the Board as an advertisement of their own merits, was printed to the number of no fewer than 6,000 copies, and distributed throughout the country, in such quarters as to the Board seemed most expedient for their own purposes. Then, again, there was their "Report on the Water Supply of the Metropolis;" of this 5,500 copies were printed and distributed; then came—1st, "Appendix to Report on the Water Supplies," 5,500 copies; next, 2nd Report, 5,500 copies; then, 3rd Report, 5,500 copies; and lastly, 4th Report, 5,500 copies more. This was an expenditure on the part of a public Board, at the public cost, which appeared to him totally indefensible. And, moreover, what were these so costly Reports? How were they made up? When Committees of that House were appointed to inquire into any matter of public importance, Members from both sides of the House, of different ways of thinking on the particular subject, were nominated upon it, in order that, by a comparison of various views, and an investigation of contending evidence, the truth might be realised. Such, too, was the object with Government Commissions; take, for example, the Commission on Limited Liability, where it was of the very essence of the question that the different views of opposing authorities should be elicited, so that by their careful comparison and sifting the real state of the case the true principle of action should be arrived at. With neither Committees nor Commissions was it the practice for three or four men, having preconceived views, fixed prejudices upon a particular subject, to meet together, and, having carefully collected only such evidence as went undisputed to confirm their theories and to fortify their prejudices, to send forth the one-sided testimony thus carefully prepared as the rule of belief for the community. Yet such had been the practice of the Board of Health, and, in consequence, their Reports were all unanimous, all one-sided, and all useless. Having thus reviewed the Board of Health as an advising department, he now came to consider them as an executive department. It had been his lot to have been himself in many offices, and, from this source and from the many inquiries in which, at the request of different Governments, he had taken part, he had a considerable amount of practical knowledge as to the working of public departments. Speaking with that practical knowledge, he was prepared conscientiously to say that he had never known or seen such a department as this Board of Health; it was a perfect anomaly; and it was fortunate for the country that it should be so—that it should be an anomaly—that there should be nothing at all like it. He would give an illustration of what he meant—a specimen of the proceedings of this singular Board. In 1850, the Metropolitan Interments Act having been previously determined upon, he had accepted office. This was in the spring of the year. At the close of the Session, that measure having been carried very much owing to the personal popularity of the right hon. Gentleman, then Home Secretary, the present Colonial Secretary, that right hon. Gentleman, acting upon the strong opinion which was evinced both in and out of the House that something should be done in the matter, that not a week even should be lost, came to him (Lord Seymour) as soon as the Act was passed, and asked him to see there was no delay in carrying it into operation. This was in August. He had, accordingly, determined, at much personal inconvenience, to remain in town during that autumn, in order to carry his right hon. Friend's wishes into effect, and had taken no vacation whatever, with the exception of a few days at a time, which themselves were spent in visits to places where the Act was to operate. Himself filled with this desire to carry the Act into effect without delay, he went to the Board of Health. The measure had passed in the beginning of August. On the 15th of August, Dr. Southwood Smith was appointed a member of the Board, for the purpose of carrying out the Interments Act. After Dr. Smith had been a fortnight in office, he (Lord Seymour) went to the Board to hear what they proposed and were prepared to do. He asked them, "Well, gentlemen, have you got into order? and, if so, what are you going to do? Have you made up your minds as to what shall be your first step?" "Oh, yes," said these gentlemen, "we have made up our minds what we shall do." "What is that?" "Well, we're going to Paris. We have had a Board here to-day, and we are determined to go to Paris." It appeared to him a strange Board that thus began their work by going to Paris. He said to them that it appeared to him they had quite sufficient information already whereon to proceed; that Dr. Sutherland had already been travelling for them, at large public expense, in France and Germany, wherever a graveyard could be found; however, as they did not seem to relish his objections, and as he did not wish to commence working with them in a state of hostility, he did not insist further; and the Board accordingly did go to Paris, taking their secretary with them, to write their letters and pay their bills. When they came back a fortnight afterwards, he took the liberty of sending for the account of their expenditure on this little trip, which he took to the Chancellor of the Exchequer, in order to show him how the Board was beginning its work. The next thing he heard of the Board was, that they wished to appoint a number of persons to attend to the decoration of the burial-grounds. They wished to appoint, among others, Mr.—now Sir Joseph—Paxton, a gentleman at that time the great oracle of the town on all questions of taste, who was to be delegated to look after the decorative department of the churchyards; while another gentleman was to be appointed churchyard architect; and a third, Dr. Brown, was to see about the planting and laying out of the burial-grounds. His own impression as to the impropriety of these proceedings was confirmed by a letter to the Board from the Chancellor of the Exchequer, remonstrating with them for making appointments and determining upon expensive arrangements altogether without the sanction of the Treasury. In order that such objectionable proceedings might not occur again, he had sent to the Board of Health, requiring copies of all the minutes of their proceedings, so that he might see what was going on, it being impossible for him at that time—the Board of Works and the Board of Woods being then united—to attend at the Board of Health, who were in the habit of holding boards every day for some three or four minutes *per diem.* He had, however, gone to the Board on several occasions. He went to them, for example, on the 30th of January, 1851, at the request of the Government, in a special case, which was this: The Board of Health had proposed to buy up at once all the metropolitan cemeteries, and determined to render themselves and the Government liable for the purchase, amounting to 250,000*l.*, according to their own estimate, but to a much larger sum in the estimate of the persons who were to sell the properties. The Chancellor of the Exchequer had thereupon sent to him and expressed his entire objection to this arrangement—an objection in which he (Lord Seymour) fully concurred, deeming it most unwise to enter upon such an undertaking, and that the proper course would be to purchase, in the first instance, one, or perhaps two, cemeteries at either end of the metropolis, as the most practical means of testing the experiment. He went to the Board of Health on the subject. This was on the 30th of January, 1851. They had, at this time, received a letter from the Treasury, intimating that only two cemeteries should be purchased in the first instance, so that the experiment might be made with these, before the Board proceeded further. The Board read to him a long letter of seven pages, which they had prepared, and in which they argued the point with the Treasury. Thereupon, as the minutes recorded—

> "Lord Seymour moved that a letter should be sent instead of the proposed draught, stating that the Board are ready to act on the suggestions contained in the Treasury letter. This Motion not being seconded, Lord Seymour stated that he wished that the Treasury should be informed, when the Board's letter is transmitted, that he differs from it."

Now, as to this matter, Lord Shaftesbury, in his place elsewhere, had stated that the thing had not happened as he (Lord Seymour) had described it on a former occasion. Lord Shaftesbury, speaking upon his honour, spoke, it was to be remembered, upon the information of the secretary—not having been himself present on the occasion—whereas he (Lord Seymour), having been present, spoke from his own recollection. However the matter might have been technically as to the non-seconding, certain it was that he had put the Motion he had mentioned, that it was not adopted, and that the long letter to the Treasury was. In consequence, he (Lord Seymour) had desired the assistant secretary to the Board to address to the Treasury this letter—

> "The General Board of Health,
> "Gwydyr House, Whitehall, Jan. 31, 1851.
>
> "Sir,—In transmitting to you, for communication to the Lords Commissioners of Her Majesty's Treasury, the inclosed letter from the General Board of Health, in answer to your letter of the 22nd instant, respecting the proposed purchase by the Board of all the metropolitan cemeteries, I am directed to state that Lord Seymour, the President of the Board, does not agree with the letter of the Board, and that his Lordship rather recommends that the Board should act upon the suggestions of their Lordships as contained in your letter of the 22nd instant. "I have, &c.,
> "C. Macaulay, Assistant Secretary."

This was the first instance, in the book, of the differences between the Board and the Treasury, his position in which might be judged from the minute which he found at page 44 of the Parliamentary paper—

> "Read—a letter from Lord Seymour, objecting to the answer which the Board had proposed to send to the Lords of the Treasury in answer to the letter of their Lordships dated the 13th instant, and recommending the Board to adopt forthwith the suggestions of the Treasury, instead of re-arguing the subject with their Lordships."

It was said that the best course would be to renew the Board for another year, and have an inquiry into the whole subject next Session; but it seemed to him impossible to go on with the present constitution of the Board, and especially with its present composition. Lord Shaftesbury had made it a charge against him that he had never attended the Board; this was not the case, though it was the case that he had ceased to attend the Board when he found by experience that it was to no purpose that he attended a Board where he was systematically overborne, while he could occupy his time to really useful public purposes in his own office. The noble Earl had added that he (Lord Seymour) had told him, in confidence, that he never meant to do anything that he was not compelled to do. He would not be so discourteous as to go into any discussion with the noble Earl as to the expression so attributed to him; all he would observe was, that if he had said this to the noble Earl in confidence, his confidence had been much misplaced, for the noble Earl had taken the very first opportunity of publishing what he had said, when he thought he could bring it out to damage his character.

He (Lord Seymour) did not, however, wish to go into the matter, for he did not wish to occupy the time of the House with mere personal questions. With regard to the executive functions of the Board, the question was, if possible, still more important. Take their proceedings as to provisional orders. The Act provided that if one-tenth of the rated inhabitants of a place should petition the Board of Health to be brought within the Act, the Board of Health should be enabled to apply it. This, of itself, was opposed to every principle of the Constitution, that one-tenth of the population of a place was to govern all the rest, and to force such an Act as this upon them. Still, the power being enacted by Parliament, it might be so exercised that its objectionable features should be mitigated by the moderation of those who administered it. But how was it administered? The Act itself supplied no means of testing the validity of the signatures to the petition. A petition, then, coming to the Board, purporting to be signed by one-tenth of the inhabitants of a place, an inspector was forthwith sent down to the place, with no power, even if he wished it, to examine into the validity of the signatures. Nay more, the practice was that the inspector, so sent down, did not permit any inhabitant to see the petition; he said to the inhabitants, "You can't see it, you can't question it, you are delivered up, bound hand and foot, to the Board of Health." The unpopularity which such a measure as this must excite throughout the country was obvious. He could appeal on the point to the many Members who had, while he was in office, come to him, and asked to have towns struck out of the schedule. During the year that he held office under the operation of this Act he had himself struck out seven towns from the schedule after the Acts had been introduced relating to them, besides a good many more which he had struck out before the Act had been introduced. These, be it remembered, and others like them, were the cases of large towns or important districts which could defend themselves; but as to the smaller places and rural districts, which were without such protection, they were helpless as against the Board, which by their provisional orders, under the formal but effectual sanction of Orders in Council, completely overrode them. He had in his hands a remonstrance against this operation of the Board, received within the last few days, since the declaration of Lord Shaftesbury elsewhere that the Board never forced its measures upon any place, which remonstrance — from Barton-upon-Irwell—energetically denounced the proceedings of the Board towards that locality. The noble Viscount seemed to think that matters would mend when the Board should be placed under the control of the Home Office; but, as to the smaller and unprotected districts, the control so anticipated would prove, with the present composition of the Board, and under its present mode of internal action, altogether nominal. The noble Viscount had contended that the whole principle of our Government was not to separate departments, but to consolidate them; but there was the striking example to the contrary of the Poor Law Board, which, having been under the Home Office, it had been found essential to separate from it, and to create of it a new department. The effect of the proposed control would be simply this—that when a grievance came before the Secretary at the Home Office he would write on the corner of it, "Remonstrance—for the opinion of the Board of Health;" and the Board would send in an elaborate Report to the noble Lord, which the noble Lord, according to his own announcement, would not waste his time in reading; and the Board would then act as before, except in cases where the parties aggrieved were in a position, by themselves or their representatives, to make a fight against the Board. That would be the course of things, and that was not the way in which the public business ought to be done. The Bill provided that there should be two paid and one unpaid Commissioner who were to be the Board. Now, it appeared to him that where the Executive Government was to be responsible for the proceedings of a Board, the amateur member proposed was altogether objectionable. He had great respect for Lord Shaftesbury's personal character, but he entirely objected to the noble Earl's grand principle of government—the centralisation of everything—the interfering with everything and everybody. Such centralisation, such interference, should be the exception, not the rule; and, where exercised, should be exercised with the greatest caution and forbearance. It appeared to him, then, that the most beneficial sphere in which the noble Earl could apply his ability and his zeal was in such general superintendence, as a legislator in his place in the House of Lords, over the Board, and other boards, as the case should require in his opinion, and he was sure always to be listened to with attention. With regard to the noble Viscount, he apprehended that the only effect of his assuming the control of the Board in the way proposed would be that the noble Viscount would feel himself called upon, whenever a grievance was alleged against the Board, to come down to the House and with some dexterous and amusing speech defend the Board—to throw the shield of his own popularity over their unpopularity, of his adroitness over their blunders. The noble Viscount had vastly entertained the House with laying down the rule that there was in every town a dirty party and a clean party, the dirty party being distinguished by their hostility to the Board of Health, the clean party by their affection for that body; but he must express the opinion that the jobbing of the Board of Health presented an amount of dirt which must be very startling to the clean party in question. The whole thing was perfectly monstrous. Some engineer whom no one else would employ, or some medical man whom nobody would consult, would be anxious to have the Health of Towns Act applied to his district; he would then get a few signatures, and would send up his impartial suggestion that a particular place could not get on without the interposition of the Board; the Board, jumping at the suggestion, would forthwith send down one of its elect inspectors, equally craving employment, who would, on arrival at the luckless place of his destination, place himself in communication with the doctor or engineering adviser, who being the person who had communicated with the Board, would thus have acquired a *locus standi;* the united pair would then consult with the surveyor of the local board, whose opinion, seeing that he could only be removed by the central Board, would be sure to take only one direction, and, by this combination of powers, the principle of self-government was utterly violated under the operation of this Board. He must protest against the continuance of this most objectionable system of great power exercised without anything like adequate responsibility. What he wanted to see was, some person made really responsible for the acts of this Board. He did not say that this person should not be a Cabinet Minister, that he should not be a Member of that House—not at all; but he wanted to see some practical man, well acquainted with business, at the head of the Board, and not a mere sanitary theorist. It seemed to him that the Board were always trying to make business for themselves, because they felt that they had not business enough to do. He thought that if they were to appoint a responsible head, with a secretary, instead of the present Board, such an arrangement would work far better than the one proposed. The noble Lord had talked as if all those who opposed the Board of Health, were opposed to measures for securing the health of the people; but this had nothing to do with the question before the House. What they had to deal with was, first the existing Act, and next the Board by which it was to be carried out. He admitted that the Act must be continued for another year, but not subject to its being administered by the present Board. It would be necessary next year to reconsider the question, and he was anxious to have independent persons at the Board who might give their opinions as to the operation of the Act. The gentlemen who were now at the Board were pledged to the present Act, and it was not likely, therefore, that they would afford evidence which would tend to a diminution of the powers conferred by the Act. The present members of the Board had entirely lost the confidence of that House, and it was, therefore, absolutely necessary that they should be removed. The noble Lord said, however, that the cholera was approaching. The cholera was always coming whenever the powers of the Board of Health were about to expire; but, if the cholera was at hand, that was the very reason why they should establish a Board in which the public had confidence. It had been stated, in defence of the General Board, that many documents of the local boards bore testimony in their favour; but how were these things managed? He found in the Appendix to the Croydon Drainage Report that statements were given from letters represented to be received from several local boards, and among them was the following extract from a letter from Leamington—

> "I do not consider the General Board interfere unnecessarily with the local board; on the contrary, we have not been able to obtain their assistance so readily as we could have desired. We have, nevertheless, already found their aid and assistance most valuable, from the useful information we have obtained from them. Instead of our connection tending to augment expenses, I consider it has, in all respects, quite a contrary effect."

The Report containing this extract was published in August last year; but he found in a local newspaper, in the autumn of that year, an account of a meeting of the local board, at which the publication of the statement was discussed, and the following resolution was unanimously adopted—

> "That the clerk do, by letter, express to the General Board the surprise of the local board at the paragraph in question, which never proceeded from or was sanctioned by the board of health for the district of Leamington."

The statement seemed to have been sent by some individual, and the General Board at once published it in a Report, of which they distributed some 5,000 copies, and which contained other letters in their praise. The instance he had mentioned, however, certainly shook his confidence generally in these letters of commendation. When the local boards were established, they sent down inspectors, who usually objected to the plans that might have been prepared by any engineer, however eminent. He had in his hand a communication from Mr. Robert Stephenson—who might certainly bear comparison as an engineer with any officer of the Board of Health—in which he said—

> "I have long entertained the strongest conviction that the detailed plans of towns required by the Central Board of Health prior to giving their sanction to the improvements proposed from time to time by local boards, involve a very unnecessary expenditure of money, and I have not hesitated to express this opinion unequivocally whenever called upon to do so. On this subject I have conferred with several very experienced engineers, and they entirely concur with me in this opinion."

The General Board of Health would have large and detailed plans, their inspectors usually threw aside the plans of the local engineers, and he had received letters from every part of the country complaining of the manner in which the proposals of excellent engineers had been overridden by the inspectors of the Board; at Grimsby, for instance, the plan of Mr. Rendle had been rejected in favour of some unknown engineer who was attached to the Board. Considering, therefore, the proposed constitution of the Board to be very objectionable, he hoped the House would decide that the Bill should not be read a second time, in order to show that they meant to have a Board that should be properly responsible to the House, and that they would not be satisfied with a Board constituted in the manner proposed by the noble Lord. It was clear that the Home Secretary would not control the proceedings of the Board, but would only act when an appeal was made to him. He (Lord Seymour) thought he had stated enough to convince the House that the Board, as at present constituted, ought not to be continued, and he hoped that the House would reject the measure, in order that, in introducing another Bill, the Government might propose a Board constituted in a more satisfactory manner. He was not responsible for the measure having been introduced so late in the Session; for it might very well have been brought in much sooner, for it contained only seven clauses. He did not wish to interfere with the Public Health Act, but he desired that it should be differently administered, for the manner in which the present Act had been carried into effect during the last two or three years by the General Board of Health had not only been disadvantageous to the community, but most discreditable to the House. He, therefore, begged to move as an Amendment, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. MONCKTON MILNES said, he thought his noble Friend (Lord Seymour) had taken a very great responsibility upon himself in bringing all the weight of his name and character to bear against a Board as honest, and skilful, and as effectual, he believed, as had ever administered any public department. He believed if his noble Friend had kept up a more frequent intercourse with the gentlemen of the board, many of the bad impressions which he had formed of them would have been dispersed or forgotten in the consideration of the great zeal and earnestness which they had always evinced in the business on which they had been engaged. His noble Friend had adopted the principle of selecting certain exceptional instances in particular cases as examples of how matters in general had been managed by the Board; and had wished the House to take its conclusions solely and simply from those exceptions. He did not think that a fair line of argument, for he was satisfied that in the great majority of cases, of which the noble Lord had taken no notice, the Board had acted most judiciously and greatly for the advantage of the public. With respect to the proceedings of the General Board towards places in the country in which the Health of Towns Act had been introduced, the noble Lord seemed to wish it to be understood that the Act had been forced upon them against their will; but he (Mr. M. Milnes) could state that out of 182 local boards embodied under that Act, and which were now in full operation, there were only six who were in any dissension whatever with the General Board. His noble Friend had also picked out for ridicule a few exceptional cases of what he deemed ill advice given by the Board to the Government on certain occasions; but he had said not one word about the judicious and wise advice which they had given to the Government from time to time, and he thought the Government would be ready to admit that they had derived great advantage from the recommendations of the Board. The noble Lord had likewise cited the conduct of the Board in reference to the question of intramural interment and the water supply of the metropolis. But the noble Lord would surely admit that those were questions of a most complicated character, and surrounded with considerations of private interest with which it was most difficult to grapple, and with other practical difficulties which, perhaps, nothing but time would overcome. The Bishop of London stated that, if the advice of the Board had been followed in regard to intramural interments, that difficult and important question would now have been settled. He would place the authority of the right rev. Prelate against that of the noble Lord. Surely, it was no reproach to them that they had consulted the principles of taste in the laying out of cemeteries. In reference to water supply, the noble Lord had sneered at the proposal of the Board for drawing it from the Surrey hills. The question was one of great magnitude; but they were encouraged by what had been done at Preston, Manchester, and elsewhere. Much had been said of the relations of the Board with the noble Lord himself, and it was to be regretted that he had not entered more closely into communion with the Board, instead of only attending seven times during his whole period of office. The inference was unavoidable, that he had a strong personal repugnance to the members of the Board. It was undeniable that, amidst all the splendour of the metropolis, there existed more squalor and misery amongst the dwellings of the poor than in any other city or country. ["No, no!"] His own experience led him to the conclusion that there was nothing to compare with it. This being so, how should we set about remedying the evil? The principle of self-government was strongly upheld in this country; but, recollecting that in the case of public nuisances, the proprietor of a *sal-volatile* manufactory even maintained that it was conducive to health, and that the proprietors of other more offensive works did the same, it became a question whether some sort of police surveillance should not be exercised over these cases. It was a question how this could be done so as to produce the slightest interference with individual liberty, and whether the existing Board fulfilled this condition. The noble Lord had failed to show a single instance in which the Board had abused its powers. The only case which he described as a tyrannical act of interference was one where the Board had waited eighteen months before exercising the powers with which they were invested. As the noble Lord, therefore, had not made out a single case in which the Board had abused its powers, he (Mr. M. Milnes) thought he was not justified in coming forward to demand the suppression of a public department on the ground of a general abuse of power. It was said the House had no confidence in the Board; but that confidence ought to be based on careful inquiry, and an examination of facts and documents on both sides. The Board might not always have acted in the best manner, but the vast benefits which they had conferred on the country were not to be overlooked on that account. He hoped the House would not allow these miserable elements to form part of the discussion. Unless it could be proved that Mr. Chadwick or the Earl of Shaftesbury had abused their authority by applying the law to cases which did not properly come within its scope, the House ought not to concur in the rejection of this Bill. It should be remembered that the House had selected those men as the best to advise and assist the people of England in all sanitary matters; and it was a most paltry charge against them that they had published a few thousand more pamphlets than they ought to have done. If the House put them in a position of great responsibility, and, the moment they came in contact with private interest, sided with those interests, they had much better have never legislated at all, but have left the people to wallow in their own dirt. It was said that voluntary efforts were sufficient in this matter, and that all Government interference was unnecessary, as in the matter of education. He thought, on the other hand, that the prudent exercise of a central authority was essential for keeping in check unwholesome trades, pestilential manufactories, and other matters. This might create a little momentary unpopularity, but that would be far outweighed by the benefits to be secured.

Mr. HENLEY said, there was a very strong feeling in the country in favour of cleanliness, but it seemed as if the hon. Gentleman who had last spoken was resolved not to be satisfied unless everybody would consent to be cleaned by Mr. Chadwick; or, if they were unwilling to consent, that they should remain dirty. It was because the process of cleansing had been conducted in a manner very unsatisfactory to the great mass of the people that many of them were now doubting whether it would not be better to remain uncleansed than to be cleansed in the manner proposed by the Board. He (Mr. Henley) had taken some part in framing the Health of Towns Act. The subject was one of much difficulty and complication, and great discretion and skill were required on the part of those to whom were intrusted the large powers conferred by the Act. The question the House now had to consider was, whether a fortunate selection had been made of the persons to whom these powers had been committed? The Government showed, by the manner in which they introduced this Bill, that they—in common, he believed, with the whole country—had come to the conclusion that those powers had not been well and judiciously exercised. This was shown by the proposal to change the tribunal. The Board, therefore, must stand condemned, not only by the voice of the country, but of the Executive Government also, or a simple Continuance Bill would have been proposed without any change in the Board. The hon. Member who last spoke complained that it was unjust to condemn the Board when no instance of misconduct had been established against them. Why, if the hon. Gentleman was not satisfied with the "show up" the Board had received at the hands of the noble Member for Totness (Lord Seymour), he (Mr. Henley) did not know what would satisfy him. He (Mr. Henley) thought few Members in that House could have pressed into so small a compass such a tale of wrong-doing and mis-doing as the noble Lord had done in this case. The strong antipathy against the Board had not arisen from nothing. We were a long-suffering and a forbearing people; and it was only when we came to be kicked very hard, and especially on points very sensitive, that we could get up a feeling against the constituted authorities; and his hon. Friend might depend upon it that in this country it was impossible for any public department to fall into general disfavour so long as it discharged its duties properly. In this case he believed the Board of Health had operated more to delay than to facilitate the cleansing process. All the change, as far as he (Mr. Henley) understood it, which was now proposed by this Bill was, that the proceedings of this Board were to be removed from under the First Commissioner of Works, and placed wholly under the control of the Home Secretary, who was to be responsible to Parliament for their acts. Well, what would be the result? Why, the same thing that occurred when there was a Member of the Government answerable for the Poor Law Commissioners in that House. The noble Lord (Viscount Palmerston), crammed by the Board of Health, would come down to that House full of his brief, and from that brief, with all the strength of the Government at his back, would endeavour to carry this Board through all their difficulties. But let the noble Lord beware, for he might easily bring on his head a degree of responsibility much greater than he appeared to reckon upon. It was desirable above all things that this Board should be constituted so as to obtain public confidence. Their powers must necessarily be large, and in some degree unconstitutional, to carry out the objects they had in view; and it should be the business of the House to see that the persons constituting the Board were likely to exercise those powers with discretion and judgment. But in the meanwhile he thought it desirable that the Government should introduce a continuing Bill, and should reform the Board on some such model as the Poor Law Board. He thought, under the circumstances, the noble Lord (Lord Seymour) had taken the only wise course which he could have taken; and he (Mr. Henley), therefore, cordially supported his Amendment, that the Bill be read a second time that day three months.

Lord JOHN RUSSELL hoped that before the House decided upon rejecting this Bill, they would well consider what was the exact difference between the Members who had spoken on opposite sides of the question. As to the first point, that there should be some body, some authority, administering provisions for the health of the country—this appeared to be generally admitted. The health of the community, the ravages of diseases and epidemics, and the best modes of counteracting them, were matters of such high import, that all must admit the essential necessity of some Board somewhere existing for the purpose of watching over them, and with adequate powers. So far, therefore, they were agreed. As to the precise extent of those powers, there likewise appeared to be no great difference of opinion. The noble Lord (Lord Seymour) objected to the power given to one-tenth of the ratepayers of any locality to have the Health of Towns Act applied to their town. He did not agree with the noble Lord, but this was a point which the noble Lord and other hon. Members seemed disposed generally to refer to a Committee to be appointed early next Session; and his noble Friend (Viscount Palmerston) had stated that the Government was quite willing that the duration of the present measure should be limited to one year, with a view to a consideration of the whole subject next Session. He thought that a proposition to which the House generally would be disposed to agree. As to the proposition of the right hon. Gentleman opposite, that would be impracticable; for, unless the House thought fit to sit continuously for the next six months, the proposed inquiry could hardly be terminated before the Board, according to his view, came to its end. Then came the question, presented with great ability and condensation by the noble Member for Totness (Lord Seymour), whether the powers now given to the Board had been exercised with discretion; or, on the other hand, with such indiscretion that they could not, even for the limited time proposed, remain intrusted to the persons who now exercised them? With reference to that, great stress had been laid on some points on which he quite agreed with the noble Member for Totness the Board of Health had been mistaken in the advice they had given. He conceived that the members of the Board had exaggerated views on the subject of central powers, and on the mode in which those powers could be used in this country. He knew that, as to one of these gentlemen, Mr. Chadwick, he had stated to that gentleman twenty years ago his opinion that he did not take sufficiently into account the habits of self-government of this country, and the desire there was in all local bodies to continue that government in their own hands. On the other hand, it would not be denied that, while local government was an excellent thing, still, as to many things, there was frequently such irregularity, such neglect, on the part of those local bodies—for example, as to the Poor Laws, as to the health of towns, as to education—that it was useful to have some general supervision, some general board, which should, at least, furnish information and advice enabling local bodies the more effectually to manage their concerns. Such, at least, had been the course of legislation adopted with the general consent for the last twenty years. The noble Member for Totness had instanced several cases in which, according to his opinion, this Board had acted indiscreetly and given injudicious advice. He was not disposed, on this occasion, to enter into any discussion on each particular case of this kind; but he would say that there were other subjects on which the advice of the Board had been of great importance, and on which its merits had been overlooked. He could say, for example, with regard to cholera, that the Report of the Board which, some four years ago, was founded on their investigations and experience was one of the most valuable Reports upon the health question which he had ever read in his life. It proceeded upon the belief, confirmed by all the experience of the Board and all their inquiries, that, though cholera was a disease most difficult to deal with successfully—a disease which, once established, had exhausted the highest art of the most scientific medical men in the world—yet that, when encountered at an early stage, when it had been only one or two days in a place, by close attention to premonitory symptoms, by house-to-house visitation, and by careful treatment consequent upon such visits, it was possible to a great degree to meet an attack of cholera, or at any rate very greatly to mitigate its ravages. No public Board ever rendered a greater service to the community than was rendered by the compilation of this Report—a report which in any future visitation of the cholera would, he was satisfied, be the means of preserving many thousands of lives; nor could any public body ever render a greater service than by bringing all the facts together, and then showing what had been the experience of the different towns and the results deducible from that experience. So with respect to many other matters, which he did not wish to go into then, he considered that the Board of Health had been of great public service. With reference to that which was the special business under the Board of Health, it had been shown that in 180 towns the Board had been invited to interpose for the improvement of the health of those towns ; and it was important to observe, as touching the question of local self-government, that what was done in these towns was not the putting them under the Board of Health, " bound hand and foot," as the noble Lord had said, but that the Board of Health gave its advice and assistance in the formation of local boards of health, which then provided for the health of the place. The other ground on which the Board was attacked was in reference to the persons who formed the Board. He felt himself in a great degree responsible for the nomination of these persons, because, in one office or another, he had been very much concerned in the appointment of those persons. Of Lord Shaftesbury he would say nothing, for that noble Earl required no defence and no eulogy from him. There was no man living who had done so much as the noble Earl to promote the welfare of the working classes, or done it so disinterestedly or so unostentatiously. However men might dissent from many of his views and many of his measures, still this testimony would be readily accorded to him, even in his own generation, and most assuredly in the generations which should come after him. But as to Mr. Chadwick, who was the object of much obloquy, he would say a few words ; and, while he stated what he thought favourable to him, he would not disguise in what he conceived that Mr. Chadwick's administration of public affairs was faulty. Mr. Chadwick was a man of the greatest energy, and with a spirit of inquiry which induced him to labour, by zeal, by unremitting attention to the subject in hand, to go to the bottom of it, and to attempt some remedy for the evils which he conceived himself to find there. He was appointed an assistant commissioner to inquire into the Poor Laws, and if in that large book, the Report of the Commissioners, they turned to the Report of Mr. Chadwick, they would find there the germ of that amendment which, in his (Lord J. Russell's) conviction, had saved the country from great social evils, if not absolutely from social revolution. He thought that this was a testimony which might be fairly proposed in favour of Mr. Chadwick. With respect to other subjects—with respect to crimes —Mr. Chadwick's inquiries had been of the greatest use to the country. The constabulary, which had been partly provided for the counties by Parliament, was very much the result of the inquiries which Mr. Chadwick made into the subject ; and he (Lord J. Russell) trusted that in a future Session that valuable measure would be carried out to the extent which was requisite for the efficient police of the country. With reference to this subject of health, Mr. Chadwick's inquiries into the health of the metropolis and of towns had been carried on through various Commissions and investigations which had been undertaken on this subject ; so that, on these various topics—the Poor Law, the improvement of the police of the country, and the improvement of the health of the country—there was no man to whose zeal and assiduity this country was more indebted than to Mr. Chadwick. Having thus stated what he regarded as Mr. Chadwick's merits, he would not disguise that, like many other men, ardent reformers, he very often, in his zeal for amendment, as he conceived it, overlooked or disregarded the objection and repugnance with which his views and propositions were received by others. Thus, when he was placed upon the administration of the Poor Laws as secretary, many of his proposals went altogether against the feeling of the country, were repugnant to the general sentiment of the country, and were therefore injudicious and not to be persevered in. With respect to this Health of Towns Act, no doubt, in many instances, Mr. Chadwick's acts had, in like manner, given offence. It was quite obvious that in many of our towns many of the ratepayers had rather be let alone than be called upon to take the measures necessary for their own health and that of their townsmen. There were likewise many persons who were pecuniarily interested that the plans of the Board should not be adopted, and it was very probable that Mr. Chadwick had not observed towards these classes of persons the most conciliatory tone possible. However, as to the persons forming the Board, his noble Friend (Viscount Palmerston) had already informed the House that every member of the Board had placed his resignation in his noble Friend's hands, to be made use of whenever the Government should think it advisable to dispense with their services. His own opinion was, that Lord Shaftesbury would probably think it too thankless a task to continue in his office. With reference to Mr. Chadwick, after the twenty years of labour which he had applied to the public service, at the cost of his health, now much impaired, it would not be deemed unfair that, were he to retire, his services should be compensated by a retiring allowance commensurate with the nature of the duties he was at present discharging. Mr. Chadwick, as he had said, had placed his resignation in the hands of the Government. With reference to Dr. Southwood Smith, it was very certain that, for the effective working of the department, a medical Commissioner was necessary, and it did not appear that any objection was made to this gentleman. Under all these circumstances, he ventured to submit that the proposal of his noble Friend (Viscount Palmerston) was preferable to either of the others which had been laid before the House—the proposal, namely, to continue the Act for one year, upon the understanding that, at the commencement of next Session, there should be due inquiry into the whole subject, the result of which would show what powers were thereafter to be vested in the Board of Health, and in what authority those powers were to be vested, and that in the meantime the Board should be placed under the general supervision of the Secretary of State for the Home Department, who should be responsible for its working. It was of the greatest importance that, for the next three or four or five months, the measure should have the services of those who were thoroughly acquainted with the details of the department, and not be placed all at once in the hands of new persons, so that the House, when it came to make the inquiry intended, might have the full benefit of the experience which the present gentlemen possessed, and not be in the hands of persons scarcely more experienced in the matter than itself. He ventured to submit to the House that there had been very little difference of opinion between the different Members who had spoken on this subject; that the rejection of this Bill would be a very unwise proceeding; and he hoped the House would adopt the plan submitted by his noble Friend.

Mr. HEYWOOD said, he should support the second reading of the Bill. He had received several letters from persons engaged throughout the country in carrying into operation the Health of Towns Act, acknowledging the obligations they owed to Mr. Chadwick, and, among others, the following from Dr. Peacock, addressed to Mr. Chadwick himself—

> "Deanery, Ely, July 15, 1854.
>
> "My dear Sir—I have read with equal pain and indignation the attacks which have been made upon your official character in the House of Commons and in the *Times*, and I think it is incumbent upon every one who appreciates the value of the important labours to which your life has been devoted to protest against such gross injustice. We are chiefly indebted to your investigations and reports for the first sound views which have been taken of the proper administration of the poor, and of the correct principles of sanitary reform; and it is to your courageous exposure of the jobs of parish vestries, water companies, and of engineers who have either an interest in the perpetuation of abuses or are too idle or ignorant to learn or to practise what a more enlarged and liberal experience should teach them, that you are indebted for the obloquy with which they are attempting to overwhelm you. I have no doubt but the triumphant success of the sanitary measures which are in progress under your auspices will speedily silence all your enemies.
>
> "I can speak from my own experience, as chairman of the board of health at Ely, that we are, in a great measure, indebted to the kind support which you have given us for the success of our undertaking; without your support, our effort to effect the drainage and water supply of this place would have been stifled at its birth.
>
> "Believe me, my dear Sir, very truly yours,
> (Signed) "G. Peacock."

He thought they ought to pass the second reading of the Bill on account of the important services which the Board of Health had rendered and was still rendering to the country. He was authorised also to state on behalf of Mr. Chadwick, that his medical advisers had recommended him not to continue in the Board.

Mr. HUME, before giving his vote, wished to know whether, if this Bill were read a second time, the Government would undertake as soon as possible to remove Mr. Chadwick, and to reform the constitution of the Board?

Viscount PALMERSTON said, it had been already stated that all the three members had placed their resignations in the hands of the Government, to be accepted whenever the Government might think fit; and as his hon. Friend (Mr. Heywood) had stated that Mr. Chadwick felt he was no longer able to continue to act upon the Board, there need be no longer any question about that gentleman.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 65; Noes 74: Majority 9.

Words *added:* — Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

THE BOARD OF HEALTH—EXPLANATION.

SIR BENJAMIN HALL rose, at the request of Lord Shaftesbury, to remove an impression which had arisen from words supposed to have fallen from him on a previous occasion in reference to the Board of Health. When that subject on a former occasion had been under discussion in this House, he (Sir B. Hall) had made use of certain words in allusion to certain regulations in relation to burial-grounds in the metropolis. He was reported to have said that those regulations emanated from the Board of Health in the one instance, and that in another Mr. Chadwick was the author. Lord Shaftesbury, however, had written to him to state that the Board of Health had nothing whatever to do with the regulations to which he had alluded; that they were entirely under the direction of the Secretary of State, and that as a Board they were not cognisant of, or a party to them.

VISCOUNT PALMERSTON said, it was perfectly true that these regulations did not proceed from the Board of Health, nor were they at all intended as general regulations, but as recommendations in reference to one particular burial-ground.

NEWFOUNDLAND—QUESTION.

SIR JOHN PAKINGTON wished to put a question to the right hon. Gentleman as to the affairs of the colony of Newfoundland, upon which he had made an inquiry some time ago of the hon. Gentleman the Under Secretary for the Colonies, with regard to the demand of the Colony for responsible government. The answer then given to his inquiry was, that the Duke of Newcastle had sent out a despatch stating certain conditions upon which he was willing to accede to that demand. Since then he (Sir J. Pakington) had heard that the Colonial Legislature had rejected these conditions; and he believed a deputation was now in London, and had waited upon the right hon. Gentleman to ask what were his intentions on the subject. The question he wished to put to the right hon. Gentleman now was, whether it was his intention to recede from the conditions laid down by the Duke of Newcastle, to alter those conditions in any degree, or to adhere to them?

SIR GEORGE GREY said, it was quite true that the Duke of Newcastle had stated, in a despatch transmitted to the Colony, the conditions he thought it desirable to lay down before responsible government was conceded to that Colony; but he did not think the right hon. Gentleman had quite correctly stated the reception those conditions had met with. These conditions had not been rejected, but, on the contrary, three of the most important seemed to have been objected to by no party in the Colony. The first of these related to the compensation to be awarded to holders of offices, and the differences which had arisen on this point were only as to the amount of compensation, and were, he hoped, susceptible of very easy and satisfactory adjustment. With regard to the increase in the number of members, no difference of opinion existed, he believed, on that point. As respected the sub-division of electoral districts—one of the most important of the conditions referred to—a Bill upon this subject had passed the Assembly. It was true that differences had arisen between the Council and the Assembly upon this point, but they had arisen upon matters of detail which had been magnified into more importance than could be justly attributed to them. It was correct that the Assembly had deputed persons to see the Secretary of State on these subjects; and he (Sir G. Grey) was now in communication with them, and he hoped that the differences which had arisen between the Council and the Assembly were by no means insuperable. With respect to the question which had been put to him, he would, without adhering strictly to every one of them, express his general concurrence in the conditions laid down by the Duke of Newcastle.

INDUSTRIAL EDUCATION—(IRELAND).

Order for Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. LUCAS said: Sir, I wish to bring before the notice of the Government and of the House a subject of which I have given notice, and which has been some time on the paper. Notwithstanding the advanced period of the Session, I hope the House will be of opinion that I need not make any apology in introducing so important a subject, and in pressing that importance upon their attention and consideration. If any apology of that kind were necessary, my excuse might be found in the repeated requests made on the part of the Government that I would postpone the notice which has for some time stood on the paper. But another excuse, if excuse were indeed called for in this matter, might be found in the treatment of the Irish Land Bills, which had been under the consideration of Parliament during the greater part of this Session. Looking at the very peculiar and anomalous condition of Ireland—I mean the social and industrial condition of Ireland—I think it must be obvious to any one who takes an interest in the condition of that country that the Parliament of the United Kingdom owes a debt to that country, and that the people of Ireland have a great claim upon the Legislature to do all that in it lies to place their social and industrial affairs upon a better footing than they have been for some time past, and on which they still continue. During this Session nothing has been done with that view. My hon. and learned Friend the Member for Kilkenny (Mr. Serjeant Shee), and those who act with him, have for the last two Sessions pressed for a settlement of the land question; but the noble Lord and the other Members of the Government within the last few weeks have given us to understand that they despair of bringing that question to a settlement. That being so, and seeing that the industrial population of Ireland have for the present Session nothing to hope from Acts of Parliament, we are driven back to attempt to find some remedy for the social evils arising out of that question by other means, if any such there be. I don't know whether the English Members of this House are in a position sufficiently to picture to themselves the peculiar evils under which Ireland at present labours. I have heard some English Members of Parliament state that Ireland is in an extremely prosperous condition. I have heard it said by Gentlemen occupying a very high position in this House, that there is hardly a country in Europe which is in so prosperous a condition as the sister kingdom. I think that this is a great mistake, and the influence of such a mistake upon the proceedings of this House is likely to be so adverse and unfavourable to Ireland, that it is necessary I should say a few words on the condition of that country. I am not now going into the subject in detail, but I wish to refer to one or two leading points which I take from official statements of facts that, I believe, cannot be contradicted, and that deserve, in my opinion, to be very maturely and carefully considered. In the first place, I find it stated in official documents, which I believe cannot and will not be contradicted, that Ireland is in this peculiar position with reference to her population, that the annual births which occur in that country are barely sufficient to balance and equal the annual deaths that take place in it; that, in fact, there is no increase of the population at present; and that the large emigration which is now carried on is a net annual loss of population unbalanced from any other quarter. This is a statement which will probably not be contradicted. This emigration is not like the great emigration which is at this moment going on from the Atlantic States to the western States of America, in spite of the magnitude of which the population of the Atlantic States is very greatly on the increase; but it is a great emigration taking place along with no increase of the population whatever, and the whole of that emigration is, I believe, a loss to the population of Ireland. The Colonial Land and Emigration Commissioners, taking notice of this lamentable state of affairs, as I consider it, in one of their latest Reports, inform us that this state of things is not likely soon to be brought to an end—that it is not like the case of an ordinary emigration having its origin in distress, but that it has its motive power on the other side of the Atlantic, and is kept up, not merely by distress at home, but by large funds furnished by persons in America to their family connections in Ireland, and by which those family connections are from time to time drawn across the Atlantic. They have estimated the increasing sums which year after year are applied to this purpose, and the figures, which I may shortly state, are these:—In 1848 the sum thus furnished amounted to 460,000*l.*; in 1849 it was increased to 540,000*l.*; in 1850 it was further increased to 957,000*l.*; in 1851 it was increased to 990,000*l.*; and in 1852 it had increased to 1,404,000*l.* I may say, therefore, as a matter of fact, that since 1848 the funds have been raised from less than half a million to a million and a half, for the purpose of carrying persons from Ireland to America; and the Emigration

Commissioners say, "The emigration will not be averted by anything short of a great improvement in the position of the labouring population in Ireland." I know there are some gentlemen, not in this House, who look on this emigration with feelings not of absolute dissatisfaction. Their views are expressed in some of the organs of public opinion, and indicate a belief that the emigration consists entirely of Catholics, and that it will be a beneficial thing if this drain of the Catholic population of Ireland should proceed a good deal further. I don't wish in the least to go into any angry question between Catholics and Protestants; but I will refer to what fell from the right hon. Gentleman the Secretary for Ireland (Sir John Young), when the other night the hon. and learned Member for Ennis (Mr. J. D. FitzGerald) brought under the consideration of the House the condition of the police force in Ireland. The right hon. Gentleman admitted on that occasion the fact that the emigration of Protestant policemen was much greater than that of the Catholic members of the force, and he eluded the inference drawn by the hon. and learned Gentleman of the ill-treatment of the Catholic policemen by attributing the fact which he admitted to the greater activity and energy of the Protestant policeman as compared with the Catholic. The fact, however, is admitted with regard to a section of the population which, so far as I know, possesses no peculiar features to distinguish it from the rest of the country, except this, that both the Protestant and Catholic members of that force are distinguished for their superior activity and energy, and that both of them are perhaps rather more disposed to the enterprise which results in emigration than other classes of the community. But we have at least this fact admitted, that in this respectable force, there is a greater emigration of Protestants than of Catholics. I only refer to this to show that the decreasing population affects all classes of the community alike—that it is an emigration which is going on to the diminution of all classes of the population—that it arises from circumstances which affect all classes of the population—and that it behoves all of us to see whether we can do something to put a stop to this frightful process, which, if it goes on at its present rate, will literally leave Ireland without a single inhabitant before the end of the present century. No one, of course, supposes that this consummation will actually be attained. Something will happen, of course, to arrest the evil; but when we are told that Ireland is in a prosperous condition, I cannot, for my part, consider a country in a prosperous condition of which it can be truly said that the tendency of the movement of its population is to come to an end before the expiration of the next fifty years. The Colonial Commissioners have, I believe, pointed out the only means which will really arrest that decrease—namely, a marked improvement in the industrial and social condition of the labouring classes in Ireland. It is the business of this House, I conceive, if it has any care for the social and industrial condition of Ireland, to do something to bring about that result; and it is our business, as Members representing considerable classes of the people of Ireland, to endeavour to press that subject on the attention of the Government and the House. Having to deal with an agricultural population, and believing that the only way to secure confidence in the industrial operations of that agricultural population was to improve the law regulating the relations of landlord and tenant, we have already done our best to find a remedy specially applicable to agriculture, and after two years of incessant labour in this House, preceded by labours out of this House not less strenuous, we have hitherto reaped no other reward of our labours than failure and disappointment. We have received the most disheartening reply from the noble Lord in reference to this subject; there is no hope, he says, whatever of bringing this question to a satisfactory settlement. The noble Lord shakes his head, and I am bound to think that I have misunderstood him; but I think I am authorised in saying that he expressed an opinion that it was extremely doubtful whether any legislation could be sufficiently precise to settle these disputed questions between landlord and tenant in Ireland. I think these were very nearly the words of the noble Lord, and there is really now by the Government no hope held out to us of raising the condition of the agricultural population by legislation bearing on the relations between landlord and tenant. Well, then, having failed for the moment on that side of the question, I think it is not improper for those who think that other legislation, not so directly bearing on agriculture, might have a beneficial result to bring forward any suggestion which they think holds out a reasonable hope of advantage to the community; and the suggestions which I have to offer are those which will raise no angry or hostile feelings between class and class—which will benefit Protestant and Catholic alike, landlord and tenant alike, the people of England and Ireland alike, and which can do evil or injury to no class of the community. The suggestion I have put on the paper of this House is in these words—

> "On going into Committee of Supply, to direct the attention of the House to the propriety of instituting an inquiry into the best means of promoting Irish manufacturing industry by training or apprenticeship schools, and other similar establishments."

It was difficult in the few words which were suitable for such a notice to express exactly what the proposition was that I had to lay before the House; but at the outset I would say that the proposition I have to lay before the House is, that the Legislature shall act much more directly in affording facilities and encouragement for establishing manufactures in Ireland than it has yet attempted to do. This is not a theory of my own—it is not a mere speculation on my part; but I propose to lay before the House an account of what has been done within the last seven or eight years with the greatest success in a neighbouring kingdom. I wish the House to enable the people of Ireland out of their own funds—for I make no demand on the Treasury; I am not asking for one single sixpence out of the public funds of the country—to do for themselves, and for their own benefit, what has been done with the greatest advantage and the most admitted success in the neighbouring kingdom of Belgium. In making such a proposition as this to the House, which is, I believe, in its main features perfectly new, I suppose I may have to encounter a good deal of opposition. I believe that opposition will arise mainly from the novelty of the proposition, and, as a necessary consequence, from the want of due consideration hitherto given to it by Members of this House. The great objection that has been urged against my proposition in private is, that for the State to interfere to promote the establishment of manufactures is to violate the principles of free trade. I believe if that difficulty were got over—seeing the experience which we have from Belgium—that really neither the Government nor the House could have very much objection to accede to my proposition. If that be so, it is proper that I should say a few words on the principle of free trade, as bearing on this subject. I believe the proposition I have to make does in no degree violate the principles of free trade. I make a great distinction between rules of protection which are intended to protect the permanent continuance of manufactures, and the interference of the Government in the first establishment, and in overcoming the difficulties which are found in the way of the first establishment of a new manufacture, especially in a country where very scanty manufacturing establishments are found. There is a passage in the report of Mr. Wallis on the New York Exhibition which is so exceedingly suggestive in reference to the point which I am now discussing that I will read it to the House. He says—

> "The mutual dependence of one branch of manufacture upon another is so wide-spread and universal that, at first sight, the difficulty in commencing some of them appears so great as to convey the impression that it is insurmountable. It is not, therefore, a matter of surprise that many skilled artisans have, from time to time, returned to Europe, after an attempt to establish a manufacture, since the embarrassments arising out of almost unaided exertions, and an isolated position, were too great to allow them to do justice to themselves, or to those employers whose spirit and enterprise might have induced them to embark capital in such undertakings. The pecuniary loss of the latter has frequently been inevitable; and the early history of nine-tenths of the various branches of manufacture now flourishing in the United States, and amply repaying the present proprietors, is that of ruin; or of enormous sacrifices on the part of those who had the hardihood to become pioneers in those arts which now promise to become, at no distant period, of vital importance to the well-being of millions of industrious men and women."

Now, I think that with some limitation, though I don't wish to prove the parallel to Ireland in every respect, these sentences might have been written in reference to three out of the four provinces of Ireland. If it be true with regard to manufactures which give employment to thousands of industrious men and women, and which are the foundation of great and important trades in America, that the real history of nine-tenths of them was, that they were founded on the ruin of the pioneers of those manufactures, I think there is a clear difference between the capacity of a trade or a manufacture already established to subsist itself, without protection, and the capacity of a trade or manufacture to establish itself, in the first instance, without help. And this is the whole point of the proposition I have to lay before the House. To take the phraseology of Mr. Wallis, nine-tenths of the efforts that have been made to establish manufactures in America have been bad commercial speculations on the part of the original speculators; and, therefore, it is obvious that if the original pioneers, as Mr. Wallis calls them, had been guided solely by principles of commerce, and not by that ardent spirit of enterprise which, in the hope of great success, very often disregards prudential considerations, clearly those manufactures which now give support and employment to thousands of industrious men and women would never have had an existence in America. Now, what I want is, that where these difficulties exist some aid should be afforded by the machinery of the State—not by money taken out of the public funds—but by some local machinery to overcome those local difficulties that are insurmountable in the ordinary course of things. That being the general view I take of this question, I wish to say also if any objection is taken on the ground of free trade, or of the impropriety of the Government of the country interfering with regard to manufactures, I think that is not an objection that can fairly be taken either by the present Government or by any Government of recent years. We have voted of late years considerable sums at the instance of the Board of Trade for the purpose of promoting manufactures. No doubt these were generally for industrial schools, or for normal schools, which could not in strictness be called manufacturing establishments; but it was obvious that these sums of money were not voted simply for the purpose of education, or the schools for which they were voted would have been placed under the control of the Privy Council of Education, and not of the Board of Trade. Why does the Board of Trade interfere with schools of design, with the manufacture of lace, with wood engraving, and with the manufacture of porcelain? It does so because all Governments of recent date have recognised the duty of the Government to interfere with the view of promoting and encouraging trade; and in order to provide employment for certain classes of the community, it gives aid to a certain class of industrial occupations to hold their ground against the manufactures of foreign States. You have already sanctioned the principle that it is the business, not merely of the Committee of Education, but of the Board of Trade, to deal with the question of educational training; and, therefore, you have sanctioned the principle that it is the duty of the Government to do such things as are prudent and feasible for the encouragement of trade and manufactures, even in this country. Well, then, all I say is, if you admit this, you give up the whole principle —you give up the whole preliminary objection; and the only remaining question is, whether the peculiar mode of interference which I propose for the Government is one which in itself is prudent and unobjectionable, and whether any objection can be taken to my proposal on the ground that it sins against principle. If it sins against principle, the conduct of the Government in proposing those Estimates equally sins against principle. It will be said that these are exceptional instances; but what do you mean by saying that these are exceptional instances? I don't understand how there can be these exceptional cases with regard to doing an injury to a community. The real question, therefore, between my proposition and that of the right hon. Gentleman opposite is, whether the proposal which I make is a prudent and proper one, and one likely to tend to the benefit of the community. I think I have now disposed of the preliminary objection taken to my proposition on the score of principle. I am unwilling to trespass too long on the attention of the House, but I hope the House, having regard to the importance of the subject, will bear with me while I point out some circumstances which, I think, show what a large part the State has borne in the history of manufacturing and commercial enterprise. Take this country, for instance. When a country attains a certain degree of manufacturing prosperity, I admit that it would be unnecessary to adopt a proposition such as I am now bringing under the notice of the House. There are large aggregates of capital, and the fullest knowledge and enterprise employed in manufactures in Great Britain, and there is at the same time the fullest means for carrying out any improvements in old manufactures, or in establishing new ones. But, even in Great Britain, go back to the history of industrial enterprise before the middle of the last century, and if you inquire how manufactures have been established there, what do you find? If you go to a period antecedent to the middle of the last century, when manufacturing industry was firmly established throughout this island, you will find, I think, three epochs at which this manufacturing industry received a great impulse, and in each of those epochs the impulse was received from circumstances which had very little to do in their origin with commercial enterprise, but a great deal to do with the interference of the State. The first period to which I would refer is the fourteenth century, in the reign of Edward III. Up to that time you had no very considerable manufactures. At that period you have the birth of what for many generations was the great staple manufacture of the country, namely, the woollen trade. How did that originate? Why, it originated, not in private enterprise, but in the invitation to this country from the Low Countries of a number of weavers, dyers, and fullers, who introduced into London, Bolton, Norwich, and other English towns, the manufacture of fine woollen cloth which had no previous existence there. Two centuries later you have another great advance in the manufacturing industry of England. During the civil wars which desolated the Low Countries, and in which the city of Antwerp was sacked and destroyed by the Spanish General, the Duke of Alva, about one-third of the manufacturers and merchants in that city, who wrought and dealt in silks, damasks, taffeties, bays, sayes, serges, and stockings, came over to England, where they were hospitably received, and introduced a great many of those manufactures which did not exist here before. According to an English historian of our national industry the rise of the manufacturing industry of this country may be said to date from the fall of Antwerp. The third period is the end of the seventeenth century, when you have the revocation of the edict of Nantes. Then, something like 70,000 manufacturers and workmen were driven by the folly of Louis XIV. into this country, where they were hospitably received by the people and the Government. Large sums were spent to establish them here, and that not merely from motives of humanity and religious sympathy, but from motives of commercial prudence, and from the belief—and experience has proved that that belief was not unfounded—that the introduction of so many skilful artisans into manufactures which were imperfectly carried on before in this country, and of processes of manufacture not known here at all, would be of the greatest possible commercial benefit to this kingdom. And so it has proved; and I believe it will now be difficult to find any three manufacturing epochs in the history of England before the middle of the last century which are at all to be compared to the three periods to which I have referred, and to the events connected with them; and it may be truly said that, if you take away these three epochs, the manufacturing industry of this country would not have grown up to the high position in which it was found a century ago, and would not have experienced the extraordinary development which it has since received. There is no country in Europe which does not furnish me with examples of great leading branches of industry which have been introduced into them, not by private enterprise and prudence, but by the wisdom of States and monarchs taking advantage of political circumstances to introduce into their own countries trades and manufactures which had not before flourished there. What, for example, is the history of the silk trade? It came, as we all knew, from China. For a long period the manufacture of silk and the culture of the silkworm were confined to China. It was afterwards transferred to Constantinople about the sixth century, and thence to Greece. How did it get from China to Constantinople? Not by commercial enterprise. It was introduced into Constantinople by the Emperor Justinian, who was at considerable expense in inducing two Persian monks to bring over in canes the eggs of silkworms, and along with them the knowledge of the various processes by which the manufacture was conducted. From Constantinople it travelled into Greece, and from thence into Sicily and the south of Italy, where it was carried most unquestionably, not by commercial enterprise, but by an act of public rapine on the part of an adventurer, Roger, the Norman King of Sicily, who, being on a plundering expedition in Greece, brought home, as part of his plunder, several silk manufacturers, and established them in Palermo and in Calabria. The manufacture afterwards spread throughout Italy, and subsequently came into France—but how? Not by mere private commercial enterprise, but by the act and patronage of the State —by the Act of Louis XI., who brought the silkworm to Tours—by that of Francis I., who brought it to Lyons—and by that of Henry IV., who brought it to Paris. I might cite many other instances, and if I do so it is because my case is very much supported by the general interference of States and Legislatures in introducing manufactures at different periods in the history of the world. Take, for instance, Geneva, in Switzerland, which is unquestionably the centre of a great manufacturing population, and which owes the origin of most of its manufactures, not to mere commercial enterprise, but to civil convulsion, and to a wise prudence on the part of the Swiss community in taking advantage of those convulsions. The watchmakers of Geneva were originally citizens of Paris, but they were driven out of that city by the revocation of the Edict of Nantes; and by their means the watch trade of Geneva, and many other trades, along with great improvements in agriculture and gardening, were introduced into that part of Switzerland. The establishment of those trades was in great part completed after an interval of several generations by the French Revolution, which drove out the remaining artisans of that class from Paris to Geneva; and thus Geneva owes its commercial and industrial prosperity, not to the mere spontaneous impulse of commercial enterprise, but to its citizens prudently and wisely taking advantage of political circumstances and hostile convulsions to introduce and settle among them many of those trades and manufactures which did not exist among them before. The last example with which I shall trouble the House is one very appropriate to the condition of Ireland. It is the case of Prussia. Long after the close of the thirty years' war Prussia lay devastated by the ravages committed during the war; many of its towns had been in great part destroyed —many of them had lost half, and others of them five-sixths, of their houses and populations. The country had become a perfect waste; agriculture was neglected, and trade and manufactures were entirely destroyed. How was the country revived? It was revived by the action of the Great Elector, as he was called, by his adoption of a course of policy almost exactly similar to that which the House is now asked to sanction. An opportunity was afforded for his entering upon that course of policy by the revocation of the Edict of Nantes. The moment that that great Sovereign—for he was one of the greatest Sovereigns of his time, and his name will never be forgotten in Prussia —learnt that the banishment of the Protestants from France was taking place, he issued an edict from Potsdam inviting them to settle within his territory. He sent his agents to Amsterdam, Frankfort, and Hamburg, who supplied as many as chose to avail themselves of his invitation with money, guides, provisions, and other means of travelling; he gave them houses and settlements in land, and furnished them with the means of living until they were able to establish themselves; and in the places in which they settled they afterwards carried on the various manufactures of which they were masters. The wealthiest and richest of them came to England and Holland; but the Great Elector was obliged to take the very poorest of them, and to maintain them for some time at his own cost; but by doing so, and by thus introducing the manufactures with which they were acquainted, he changed in a short time the very face of Prussia, and, after a generation or two, a country which, when he came to the throne, was almost entirely a desert waste, became able to encounter in the shock of arms the greatest potentates of Europe banded against her. I think the case of Prussia is of happy augury if applied to Ireland. Although Ireland is at this moment destitute of manufactures, and although her people are flying from her shores by thousands, I see no reason, if a proper policy be adopted towards her by the Government, why that decrease of the population should not be arrested, and why the whole country should not flourish with manufactures and agriculture, and should not become the home of a happy and a contented people. I now wish to say a few words to the House about the more immediate nature of the proposition which I have to make on this occasion. The example I ask you to follow is that of Belgium. I have been met with this objection, that it is not necessary to go to foreign nations to see what may be done in establishing manufactures, because in all industrial matters we are far before the Continent, and it is therefore quite enough to look at home. It is precisely because that is in a certain sense true that I go to a foreign nation. Ireland has not prospered. England and Scotland have prospered, but Ireland has not. I wish to take an example from a foreign country very much resembling Ireland, and very considerably behind England and Scotland in commercial enterprise and in accumulated capital, and, therefore, a much fitter subject for comparison with Ireland than Great Britain can be. There are many points of resemblance between the provinces of Belgium and Ireland. In Belgium you have a population in great part agricultural, with small farms, small capitals, and small manufactures. Up to a very recent period—up to less than ten years ago—almost the sole manufacture of the two provinces of Flanders was the manufacture of linen in its simplest shape. The manufacture was conducted by machines of the rudest kind, and for twenty or thirty years past it was the necessary, and, indeed, the inevitable result, that the people engaged in it should feel all the effects of competition with the great capitals and the improved machinery of this country. From 1831, and later, the Flemish manufacturers of linen were in a state of great distress. Many means were attempted by the Belgian Legislature to put an end to this state of things. They attempted high protective duties, but these failed and were soon abandoned. Then, after a little time, there came a disaster exactly similar to that which visited Ireland—the failure of the potato crop—and the weavers devoting part of their time to the cultivation of the land, and subsisting very much on potatoes, there were superadded to the distress to which they were subject by competition with the capital and improved machinery of other countries, the greatest extremity of famine, of which they were the victims. The Belgian Legislature endeavoured to meet this great calamity by means similar to those which were tried in the first instance in Ireland. They had industrial committees for providing food and work to the famished people, but the result was to disorganise still further the linen manufacture, and to aggravate permanently the evils under which the people were labouring. Eventually they came, partly by individual experiments, which were followed up with great prudence and judgment by the Belgian Legislature and Government, upon the very system to which I am now calling the attention of the House. An experiment was made at Roulers, a town in Western Flanders, the object of which was, not to provide work without reference to the commercial circumstances of the case, but to introduce and establish the newest processes into manufactures already in existence there, and to introduce new manufactures. That was first attempted by the town of Roulers, and the experiment succeeded. Another experiment of a like kind was made by the town of Ghent, and with equal success; with so much success indeed that a general law was passed to carry out the principle. In a very short time after the experiment was tried at Roulers, at least eight or ten new manufactures were introduced, and are now flourishing there. [The hon. and learned Gentleman then read extracts from a Report showing the great advantages that had been derived from the introduction of the system in East Flanders, and in other parts of Belgium, the *ateliers* having been established in sixty-eight places.] Now, at what expense to the State have these enormous results been attained?—and I am persuaded that no Member in this House will deny them to be enormous results—at what expense, I say, have these results been brought about in East and West Flanders? Why, the total expense for five years, in the two provinces of East and West Flanders has amounted to 36,788*l.*, or about two and a half per cent on the county cess of Leinster. Besides, the current expenses are diminishing. I find for the year 1850 those expenses amounted, for the two provinces, to 3,416*l.*, or about one and a quarter per cent on the Leinster county cess. I am asking you now to introduce these establishments into Ireland at the risk of the people themselves—I am not asking you for any supplies from the public Treasury—I am asking you to give the counties of Ireland the power of managing their own affairs, and of taking steps like these for their own improvement at their own risk—and I am perfectly willing that this should be done, subject to some central revision on the part of Government to prevent fraud or mismanagement, if any person should be inclined so to act. I am not, of course, submitting at this moment any Motion to the House. The proposition which I have laid before the House is a new one; and it was necessary for me to find some opportunity during the present Session to make such a statement as this, in order to elicit from the Government some opinion upon the subject as to whether they think it practicable to accomplish anything in this way for Ireland, since an impression exists—which I still hope is an erroneous one—from the language lately held by the Government, that no encouragement is to be given to agriculture, which is the staple industry of Ireland, by any immediate settlement of the relations between landlord and tenant. I commend this proposition particularly to the right hon. Gentleman the President of the Board of Trade, but most particularly to the noble Lord the President of the Council. The words of the noble Lord appear calculated to destroy, though I for one hope it is otherwise, any hopes that might be entertained, or might spring from the conduct of the Government, in reference to the land question. But should the words of the noble Lord fairly bear the interpretation that has been attributed to them, I would press it upon the noble Lord and the Government that they should at least hold out some hope that, in other industrial pursuits, a fair amount of encouragement and means of improvement will be afforded to the people of Ireland by that which Parliament and the Government can do for their benefit without incurring any expense, and almost without incurring any trouble.

LORD JOHN RUSSELL said, that, before he made any observations respecting the early part of the speech of the hon. Member for Meath, he wished to make a very short statement with regard to what the hon. Gentleman had said as to his (Lord J. Russell's) opinion in respect to the land question in Ireland, to which the hon. Gentleman had more than once alluded. At various periods of late years measures had been introduced in reference to the subject of landlord and tenant in Ireland; and, last year, Bills were referred to a Select Committee, which, having afterwards undergone the consideration of the House, were sent up to the House of Lords, containing everything which was thought could be done in the way of justice to the tenant. Those Bills were not introduced this year in the House of Commons, but were originally considered in the House of Lords, who took a different view of the subject from that which had been previously taken by the House of Commons. Their Lordships passed Bills which they thought contained everything that could be done by legislation for settling all questions that might exist in dispute between landlord and tenant; but when the Bills came down to that House there was a general disposition, on the part of all those who thought there ought to be, on the landlord and tenant question, a Bill more favourable to the tenant than at present existed, to consider that those Bills had far better not be proceeded with, believing that, instead of settling the question, they would excite great discontent and dissatisfaction. Such being the case, he certainly inferred—and he did not think it required any great sagacity to arrive at the inference—that it was hopeless, or, at all events, extremely difficult, in the present Session at least, that any agreement between the two Houses could be arrived at that should be satisfactory to the people of Ireland. The hon. Gentleman had adverted to something which was supposed to have been stated by him (Lord J. Russell) on a former occasion, when those Bills were the subject of consideration. Now, he did not consider the question as hopeless, neither did he express himself to that effect. What he did say was, that he thought the best way in which to begin legislation on the subject was by taking care to provide in the fullest manner possible for encouraging and maintaining voluntary contracts between landlord and tenant; and that if that were done, there might be a hope entertained that the parties standing in the relation of landlord and tenant might be drawn near and more near to one another, and that the great landlord and tenant question might at some no distant day be set at rest. But he did not say, as had been imputed to him, that it was a question the settlement of which was utterly hopeless. Having said thus much with regard to the question of the land, he would now say a few words with respect to the proposition of the hon. Gentleman. He would not say anything that evening at all decisive upon the very interesting subject which the hon. Gentleman had introduced, as to the rise and progress of manufactures in Belgium. Without being more informed than he was as to the manner in which the linen manufactures in Flanders were founded, and what particular measures were introduced, and the mode in which they were carried into effect, he should not give any positive opinion on the subject. But it appeared to him that there were some clear principles to which the House ought to adhere, and that among those principles there was one, that education and instruction of any kind might come within the province of the Government; and that, therefore, as was the case in many manufacturing towns with respect to manufactures, and with respect to the general laws upon the question of machinery, instruction might be very well given under the superintendence of the Government. But it was quite clear that all instruction of that kind was given by an outlay and an expense on the part of the Government, and that it did not pretend to be a remunerative process. It was a general mode of instruction, from which all manufacturers, in whatever branch of industry they might be concerned, might derive advantage. It was, however, a totally different thing for the Government to carry on agriculture or manufactures of any kind as a branch of commerce. Government could not pretend to gain a profit by such a system. He was of opinion that one course of proceeding might be very wisely pursued by the Government, whereas the other course of proceeding would be very unwise, and had been uniformly found to fail wherever Government sought to interfere with the profits of industry, which should be the remuneration of individual labour and enterprise. The hon. Gentleman had alluded to the number of artisans who had come to England, and who had gone to other Protestant countries —Prussia and Switzerland—in consequence of the Flemish persecution, of the revocation of the edict of Nantes, and of the French Revolution. But all that proved that freedom of conscience was a great advantage to a country, and that a Government which protected freedom of conscience protected at the same time the development of individual skill and industry. Those emigrations to this and other Protestant countries occurred not by reason of any persecution of manufacturers in Flanders or in France, but in consequence of those general principles of freedom, both civil and religious, which happily existed in those Protestant countries. The hon. Gentleman had referred to the flourishing state of the woollen manufactures both in Tuscany and in Spain, and which he partly ascribed to the encouragement on the part of the Government; but that, since the Government of those countries had changed, their manufactures had decayed; that a great woollen manufacture had been established in this country, while in Florence and in Seville it had died away. But all these changes were not owing to the one Government giving instruction in manufactures, and to the other Government neglecting it; but it was owing to the Governments of Florence and of Spain having become so bad that all individual enterprise was checked, while in this country, in consequence of the liberty which the people enjoyed, individuals had the means of carrying on whatever enterprise their talent and industry might lead them to engage in. He believed that these principles would ever be found of great advantage to a nation. Whether or not there should not be more instruction given on these matters was a question on which he did not wish to enter. He believed there were at the present moment schools of instruction under national boards in several places on the Continent. There was at Paris a great school of this kind; in Carlsruhe there were two schools—one for agriculture and another for manufactures; in Ghent and in Liege there were also similar schools. These schools might be worthy of imitation; and he was not prepared to say that like institutions might not be carried further in Ireland. But without giving any opinion as to any particular course pursued in Belgium, in Berlin, or in other countries, he thought they must always have regard to those principles which generally governed the course of nations in this respect.

Mr. JOHN MACGREGOR said, that the interference of the Government of a country, instead of aiding, suppressed the energies of a people. The hon. Member for Meath had alluded to Switzerland; but the manufactures of that country depended not on the aid of Government, but on individual enterprise. He was extremely anxious that no delusions on the subject should go forth among the people of Ireland, but that they should thoroughly understand that, unless manufacturing industry originated with the people themselves, and from their own thrift and skill, the interference of Government could do them no good. It was only under a government of civil, political, and religious liberty, and where the people were themselves industrious, that a nation could ever become a prosperous and a rich manufacturing and great commercial people.

Mr. J. BALL said, that, considering the position of the noble Lord, a statement had fallen from him to which he thought it proper to call attention. The noble Lord had said that the falling off of the manufactures of Tuscany was owing to the Government of that country becoming so bad that no industrial pursuits could flourish under it. He (Mr. Ball) was quite sure that that statement did not apply to the history of Tuscany within the last 150 years; it was, however, unhappily quite true, in reference to the state of Tuscany for the last year or two, and he deeply regretted it. But the general government of Tuscany had been considerably in advance of all the rest of the south of Europe, at least in the tone of its administration and in the spirit of its constitution.

Lord JOHN RUSSELL, in explanation, was understood to say that he had alluded to the suppression of the laws and liberties of Florence in the time of Charles V., but had not referred to more recent times.

Mr. MAGUIRE thought the Government ought to have done something more than give a mere passing notice of the speech of his hon. Friend the Member for Meath. They were ready to vote anything for the prosecution of the war, and, surely, the Government ought to make some effort for the restoration of a country which was a complication of disorders. Irishmen were constantly asked, why they were not industrious, and why they did not display the same energy as other nations did? But, what had been the history of Ireland for the last 100 years? He gave the present Government and their predecessors credit for having done everything in their power to promote education in Ireland; but the people required a different kind of education. The explanation of the noble Lord with respect to the landlord and tenant question was by no means satisfactory. If the noble Lord wished to hand down his name as a great statesman, and as one who knew how to deal with an unhappy country, he would earnestly grapple with the land question. There was a great manufacturing spirit going on in Ireland at the present moment, which required to be sustained. He called upon the noble Lord to turn his great mind towards the condition of Ireland, and to see that between this and the next Session some scheme be devised to carry out the views of the hon. Member for Meath.

Mr. APSLEY PELLATT said, that Ireland seemed to be an exception to almost all the principles of political economy, and Government appeared to be contributing to carrying out that exception. He had been over the farm at Glasnevin, and had examined the agricultural condition of Ireland, and he found that they were making progress, and that great satisfaction had arisen from the experience derived from that establishment. Seeing that the application of the principle contended for had succeeded in respect to agriculture, he was not aware of any strong reason why it should not be equally successful in its application to manufactures, as advocated by the hon. Member for Meath. It might be contrary to all principles of political economy, but if, notwithstanding, the principle had succeeded in Belgium, why should it not operate equally beneficially in Ireland?

Mr. KENNEDY contended that it was ungenerous to refuse this appeal, which demanded no pecuniary sacrifice from the State, but merely asked the House to give local authorities in Ireland power to try an experiment which had proved eminently successful in Belgium. There were 163 monster workhouses in Ireland, which might be rendered capable of doing enormous good to the people of Ireland in the direction pointed out by his hon. Friend. There was a great diminution in the number of inmates in those workhouses, and a further diminution was expected. He calculated that from one-fifth to two-fifths of the workhouses in Ireland might be spared in the course of two years, and made available for industrial schools. This would afford a nucleus for such operations as his hon. Friend suggested. They would, in the way he pointed out, be able to provide without cost sixty-four industrial schools in Ireland, or two for each county. These, in connection with the national schools, would be ample to carry out a substantial system of industrial training. It was his intention to bring the subject forward next Session.

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply; Mr. Bouverie in the Chair.

(1.) 2,055*l.*, Chapel at the Embassy, Constantinople.

Sir JOSHUA WALMSLEY said, he wished for some explanation of this Vote.

Mr. J. WILSON said, about six or seven years ago the chapel was accidentally burned down, and, owing to the extravagant expenditure lavished on the building of the embassy house, had not been rebuilt. Two or three years ago, a Vote was proposed of 4,350*l.* for the purpose, but was then withdrawn, in consequence of the lavish expenditure to which he had alluded. Strong representations of the inconvenience felt by the British residents had been made to the Ambassador, and even offers to contribute 1,000*l.*, though their numbers were small. The arrangements now made were such that the House would not be called upon for more than the sum now proposed. The want of accommodation, where a large number of sailors resorted, besides the residents, had been severely felt, and he hoped, therefore, the Committee would assent to the Vote. An architect from the Board of Works would go out to superintend the building, but he would be under the control and direction of the Ambassador.

In reply to Mr. Spooner,

MR. J. WILSON said, the architect was not the same gentleman who superintended the erection of the embassy house. The arrangements then were very imperfect, as that gentleman was not responsible to any one on the spot.

Vote *agreed to.*

(2.) 1,400*l.*, British Protestant Cemetery, Madrid.

MR. AYSHFORD WISE expressed an opinion that the Vote required some explanation, inasmuch as the conditions disclosed in the last published correspondence, as those upon which alone the Spanish Government would consent to this cemetery being established, were most unsatisfactory, and had been justly described as wholly inconsistent with the liberal spirit of the age. He thought, also, if no further correspondence had taken place, that the arrangement would lay the foundation for misunderstanding, and would tend to embroil us with the Spanish people. What were the facts? In 1851, the Marquis de Miraflores, and in 1853, General Lersundi, granted permission for the construction, at the place known by the name of La Herradura, at a short distance from the hill of San Damaso, of a cemetery for Protestant British subjects, who might die at Madrid, under the following conditions—

> 1. "The cemetery to be constructed with subjection to the sanitary rules required.
>
> 2. "No church, chapel, nor any other sign of a temple, or of public or private worship, will be allowed.
>
> 3. "All acts which could give any indication of the performance of any divine service whatsoever were prohibited.
>
> 4. "In the conveyance of the dead bodies to the burial-ground, any sort of pomp or publicity was to be avoided."

On this proposal being submitted to the noble Viscount, then Secretary of State for Foreign Affairs, that noble Lord very properly expressed his regret that the permission was accompanied by conditions so indicative of a system of religious intolerance on the part of the Spanish Government towards those who professed the Protestant religion, which formed so striking and unfavourable a contrast with the liberal and enlightened system of perfect religious freedom which prevailed in the United Kingdom towards the professors of the Roman Catholic faith. This took place in 1851, and nothing more was done until May, 1853, when he found that very strong language was used by Lord Howden, the British Minister at Madrid. His Lordship, in a despatch dated May 30, 1853, said, that the fourth condition was a seed of future difficulty, and that it opened a source of much possible conflict between the Legation and General Lersundi's department, and concluded with these words—"Perhaps I shall have occasion to try this question." Under such circumstances, he (Mr. Wise) considered it somewhat injudicious to establish a cemetery that had been opposed and delayed so long, and that even now was permitted to be inclosed on such unusual conditions. It appeared that this question had been more or less before the public for nearly half a century, and as long ago as the year 1796 a piece of land, intended to be appropriated for cemetery purposes, had been purchased by the Marquess of Bute. He held in his hand an original document belonging to the noble Lord the Member for Marylebone, which was of some interest, and with the permission of the Committee he would read it. It was from Lord Bute to Lord Grenville, and dated Madrid, 21st October, 1796—

> "MY LORD,—Having succeeded in purchasing a piece of ground under your Lordship's authority and the permission of the Prince de la Paz, to be converted into a burying-ground for Protestants, I requested of the Prince to favour me with some assurance that it might, notwithstanding the war, be considered as still appropriated to that purpose, and I now inclose his answer, which is very satisfactory. I at the same time beg to apprise you, that I have drawn a bill upon your Lordship, payable to Messrs. Coutts, for the amount, being 95*l.* 16*s.* 8*d.*"

Land, it appeared, had not risen in value at and near Madrid, for in 1846 the noble Viscount below had sanctioned the exchange of this land with the widow of Don Maroto, for some land of equal value, and of the same size, two acres and a quarter, or three Spanish fanegas, at 30*l.* a fanega. Now according to the estimate, all that had to be done was to build a gateway, and to erect a wall round this cemetery, and he could not see why Parliament should be called upon to vote so large a sum as 1,400*l.* for such a purpose. Lord Palmerston, in 1850, had asked for a return of the number of British subjects who had died within a given period at Madrid, and had pointed out to Lord Howden that upon the facts disclosed by that return must depend the question as to whether the Government would be justified in expending any very large sum of money in establishing a cemetery there. Lord Howden at that time, in answer to Lord Palmerston's request, had stated, on the authority of Mr. Otway, that the number of British subjects who had died at Madrid from the year 1834 had been only from fifteen to twenty—not more than one a year. And it appeared that, in some cases at least, the interments had been permitted to take place in the Catholic cemeteries. He could not understand why all the Protestant powers—America, and Prussia, and Holland, and other Protestant States, whose subjects came, as well as those of Great Britain, to Madrid—should not support unitedly an object of this kind. Nor could he conceive that it was necessary to have sent out a man of Mr. Albano's reputation and experience as an architect to superintend so trifling a matter as the erection of a wall round a cemetery. That such a course should have been taken, seemed to him to show an itching to expend the public money; and as charges of this description were continually increasing upon the Estimates, he had thought it right to direct attention to the subject, and to ask the Committee to consider whether there was really any necessity for this arrangement. Very few English visited Spain, and still fewer Madrid, and from what he knew he was not surprised, as it had been well said that travellers went there to stare and to starve, and to be eaten and not to eat. Paris was visited by thousands, and there was no cemetery there for the English. There was no likelihood of their countrymen going to a city of which an adage said that the climate was three months of winter and nine of hell; and he really thought this Vote was one more of sentiment than necessity. The Committee should not forget how the Votes of this class were increasing. From 4,000*l.* in 1844, we had crept up now to 7,500*l.*; and, including the Votes for Constantinople, Madrid, and the chaplains attached to embassies, this department cost us for the year 1844 no less than 12,285*l.*!

MR. APSLEY PELLATT said, he wished to know whether the land was intended to be consecrated by a bishop of the Church of England? whether the chaplain of the embassy was to be the minister there? whether the bodies of Dissenters would be received there for interment? and whether this would extend to the child of a Baptist, who might not have received even lay baptism?

MR. J. WILSON said, since the date of the correspondence to which the hon. Member (Mr. A. Wise) had referred, Lord Howden had succeeded in obtaining terms which were considered extremely satisfactory, and in removing all the obstacles which had been thought to stand in the way of adopting the earlier proposition. The hon. Gentleman would recollect that about a year ago there was a perfect fever of indignation upon the subject, and that the strongest possible feeling ran through the metropolitan press and the press of the country generally with respect to the way in which Protestants were treated by the Spanish Government, in reference to their burial-ground. The public were especially shocked by a statement that the body of an Englishman had been dug up for the purpose of robbing it of the clothes and other articles of trifling value which were upon it. And it was under the pressure of these circumstances, and of the strong feeling of indignation which was excited by them, that a renewed effort had been made, which had resulted, as he had said, in the obtaining of terms which were considered satisfactory, and in securing a piece of land in the only place in the neighbourhood of the city of Madrid in which it could have been procured for such a purpose. The Consul General upon the spot had endeavoured to induce the British residents to subscribe some portion of the expense; but they were few in number, and in a comparatively humble position in life, and it would therefore have been utterly impracticable to obtain from them any considerable sum. It therefore became a question whether the British Government should not take steps to remove the flagrant abuse which had been made a matter of charge against every person concerned in the administration of British affairs in Spain. The Government had felt it its duty to take such steps, and to take advantage of the opportunity which had presented itself for putting an end to this state of things; and the proposition which had been submitted to the Treasury, for inclosing the ground and adapting it to its intended purpose, had been forwarded by them to the Board of Works, the Chief Commissioner of which, his right hon. Friend near him, would, he was sure, give an explanation with respect to the way in which it could be carried out, which ought, he considered, to be satisfactory to the Committee.

MR. APSLEY PELLATT: As to the consecration?

MR. J. WILSON said, the cemetery would be consecrated by a Protestant bishop, and arrangements had been made by which it would be open to all British subjects.

Sir WILLIAM MOLESWORTH said, the plans submitted to the Board of Works by the Treasury were so unsatisfactory, and the estimates were so uncertain, that he was persuaded that the cheapest and the most efficient mode of having the works executed was to send out a competent person to superintend them. He had arranged with Mr. Albano that he should go to Madrid, superintend the work, and return for a sum not exceeding 300*l.*; and he thought this a much better plan than trusting to native agency.

Vote *agreed to.*

(3.) 2,500*l.*, Royal Monuments, Westminster Abbey.

Mr. EWART said, that he highly approved of the object of the Vote. He believed that the monuments of Edward the Confessor, of Edward I., of Philippa, and Eleanor of Castille, would be exceedingly well restored. But he hoped the Government would take steps to secure the free admission of the public to these monuments, which were to be restored by their money. The fees taken in Westminster Abbey had been reduced from a discriminating duty to a fixed duty of 6*d.* each person. The plea for taking this fee was, that it went towards the payment of the persons who showed the monuments. St. Paul's was still worse than Westminster Abbey. He thought the Government should not lose the present opportunity of securing free access for the public to see the monuments which were repaired at their cost.

Sir WILLIAM MOLESWORTH said, he had already directed his attention to the subject, and had inquired why any fee was taken; and he had been told that its object was to provide for the payment of the persons who were employed in showing the monuments. It was important that no person should be permitted to go round without being attended by people by whom they might be carefully watched, the fact being that the monuments had suffered much more from the petty pilferings of the last century than during the whole of the centuries preceding from decay. Mr. Scott, in his able Report, referred to the subject in the following terms—

> "As the monuments have suffered fully as much from spoliation as from decay, it is of the utmost importance that the vigilant watch kept over them should not in any degree be relaxed. Had the present system been adopted a century earlier, the atrocious pilfering and robbery, from which those invaluable works of art have so grievously suffered, would have been in great measure prevented; for it is truly mortifying to reflect that, though the church was exposed during the great rebellion to the insults of the soldiery, who were at one time quartered within its walls, and though there was actually an order of Parliament (happily never obeyed) for melting down the bronze, these monuments actually suffered infinitely less during that turbulent time, than in the enlightened period intervening between the middle of the last century and our own day, and that their greatest spoliation has been suffered at the hands of that intelligent public, who, one would have imagined, would have been the guardians, rather than the pilferers, of our national monuments."

If, therefore, no fee were to be levied on the public for viewing these monuments, it would be necessary that Parliament should vote a sum of money for the payment of persons to show them. If Parliament were prepared to do that, he would ask the consent of the Lords of the Treasury to such a Vote being proposed; and he had no doubt that if a general feeling in its favour were expressed, the Lords of the Treasury would acquiesce in it. He hoped, however, that if this were to be done, hon. Gentlemen would bear it in mind hereafter, because, generally speaking, when Estimates of this kind were proposed, he found himself turned round upon and charged with increasing the Estimates, and told that these were matters which the individuals, and not the public, ought to pay for.

Mr. MONCKTON MILNES said, he was very glad to perceive that the general feeling of the Committee went with the Report, which was in his opinion drawn up with great skill and judgment. He was afraid, however, that his hon. Friend (Mr. Ewart) would be disappointed if he thought that for the sum of 2,500*l.* all the monuments in the Abbey would be restored to their pristine state. Neither did he (Mr. M. Milnes) think it desirable that they should be restored to that state. And what he most admired in the Report was the clear line which Mr. Scott had drawn between an intelligent preservation and a mere attempt at renewal. The claim of Westminster Abbey upon Parliament rested above all upon the fact of its being the mausoleum of their great men. When the poet Campbell died some years ago—that poet who wrote "The Mariners of England," which was so applicable to the fleet in the Baltic—his remains were accompanied to the grave by a pompous funeral procession. The Earl of Aberdeen was one of the pall-bearers, and men high in station did honour to the dead. A statue was afterwards raised by public subscription—a statue quite worthy of the man. Why had it not been placed in the abbey? Why, simply because the Dean and Chapter of Westminster asked the enormous fee of 200*l.* for a few square feet of space. If the Dean and Chapter did not provide places for public statues, it could not be the interest or the duty of Parliament to spend the national money in the preservation or restoration of the building. He did hope that the Government would interfere in the matter, and that the result would be that this great scandal would be removed. As a Churchman, he felt that things of that kind did much to injure the higher order of the clergy.

MR. J. BALL said, he believed that amongst competent judges who had considered the subject, there were very great doubts as to the expediency of adopting all the recommendations of Mr. Scott. Some months ago several members of the Archæological Society, on the invitation of Mr. Scott, examined many of the objects, and they were unanimously of opinion that many of the changes which Mr. Scott proposed were not desirable, either in an historical or in an artistic point of view. In particular these gentlemen thought that historical monuments like those would lose a great part of their interest if to any great extent old portions were taken away, and new ones substituted for them. He hoped, therefore, the Government would give an assurance that great caution would be exercised in the matter.

MR. BRADY said, it was melancholy to see such a splendid structure as Westminster Abbey decaying day by day, and he thought the Dean and Chapter greatly to be blamed for allowing it. He doubted whether money was well bestowed on monuments the erection of which had defaced and been almost the means of destroying the appearance of the beautiful architecture of the interior of the abbey. He objected to the erection of statues in ecclesiastical buildings, although he thought a proper place should be provided in which the country should do honour to those who had served it well. It was a disgrace that the people were not permitted to go freely through this building, and he hoped that the right hon. Baronet (Sir W. Molesworth) would endeavour to make some arrangement with the Dean and Chapter to effect that object, failing which he considered he would be justified in coming down to the House and asking for a Vote for the purpose.

SIR WILLIAM MOLESWORTH said, he wished to remind hon. Members that the greater part of the abbey, namely, the nave, the choir, and the transept, were already open to the public without any charge; and the only reason why the rest was not placed in the same position was that which he had stated, namely, that it was necessary to prevent them from being pilfered. If the hon. Member for Carlow (Mr. J. Ball) would read the Report carefully, he would see that the only object of Mr. Scott was to prevent the monuments from receiving injury from the process of decay which was continually going on. With regard to the matter referred to by the hon. Member for Pontefract (Mr. M. Milnes)—the monument to the poet Campbell—all he could say was, that he would immediately enter into communication on the subject with the Dean and Chapter of Westminster, and he had no doubt that when he had stated to them the wish of the House, they would be willing to comply with it.

MR. W. WILLIAMS said, he hoped that any money voted would be appropriated to the preservation of the monuments or the payment of persons to take care of them, and would not go into the pockets of the Dean and Chapter.

SIR JOHN SHELLEY said, he felt called upon to complain of the violent attack made in the Report on the public, by attributing the mutilation of the monuments to their pilfering. He thought, if confidence were shown in the public, it would not be violated, as instanced in the case of the Great Exhibition of 1851, and other cases. It was an entire mistake to suppose, if they allowed the people to go into places in which were works of art, they ought to be watched like a parcel of pickpockets. He thought, if the Dean and Chapter considered it was so great a responsibility to protect the monuments committed to their charge, it would be well to withdraw that responsibility from their hands and vest it in the Government, when the public might be freely admitted.

Vote *agreed to.*

(4.) 1,000*l.*, Statue of King Charles I., Charing Cross.

SIR JOHN SHELLEY said, he should like to know how it came that so large a sum was required?

SIR WILLIAM MOLESWORTH said, he had to state, in reply to his hon. Friend's question, that last year, an application having been made to him by the Crystal Palace Company to allow a cast of the statue to be made, and that application having been acceded to, he had an opportunity of visiting the statue and observing certain defects in it. In consequence of what he saw he employed Mr. Richard Westmacott to examine the statue and make a report. That gentleman reported that it was in a very bad state. He stated that the horse was fractured in the knees—that the bridle, sword, and bit, were no more—that the tail was also defective, the weather having penetrated it. In short, he (Sir W. Molesworth) found that the statue could not be completely restored for less than the sum now asked for; it was evidently in a very dilapidated state, and unless the Committee were willing to see one of the finest statues in the metropolis fall to pieces, they should agree to the Vote.

Mr. AYSHFORD WISE said, he did not know why the Committee should be so particularly anxious to restore the statue of a King who was more celebrated for his violation of public rights than the enhancement of national liberties. He, however, acknowledged that it was a masterpiece of art, and believed it was the first equestrian statue ever raised in this country. It was, in fact, one of Le Sueur's masterpieces, and considerable interest was attached to the statue from the fact that it was sold by Parliament to a brazier, with orders to break it in pieces. The brazier, however, hid it carefully away, and sold some old pieces of bronze to the enthusiastic cavaliers of the day at high prices. The Earl of Portland, after the Restoration, discovered it, and ordered its re-erection. He (Mr. Wise) had considerable doubt whether a new pedestal would look well, and harmonise with the statue. The present pedestal was the work of Grinling Gibbon, and at all events was not in such a ruinous state as mentioned by the First Commissioner. He sympathised much with the Votes for the restoration of the monument of King Edward the Confessor, King Edward the Third, and Queen Elizabeth; but to this Vote he could only assent as a lover of the arts. On that ground he should be glad to see it restored, but he considered the sum of 1,000*l.* too large to be devoted to that purpose.

Mr. DISRAELI: Sir, I rather wonder that the hon. Member, as a lover of the arts, does not feel more regard for the memory of Charles I. Whatever may have been the constitutional predilections or prejudices of that Monarch, we are certainly indebted to him for something more than the statue which the right hon. Gentleman wisely advises us to preserve. Let me recal to the remembrance of the Committee that the statue once disappeared in consequence—not of a Vote—of the temper of the House of Commons, and was lost for a considerable period. When lost, it was universally agreed that the finest model of equestrian sculpture known in modern times was lost to the country. I think, after all that occurred in Parliament at that time—having regained this *chef-d'œuvre* of Le Sueur—it would not become the Committee, by its refusal of such a Vote, to endanger the permanent preservation of such a work of art.

Vote *agreed to.*

(5.) 13,000*l.*, Agricultural Statistics.

Lord WILLIAM GRAHAM said, he wished to know in what counties the collection of statistics had been made?

Mr. CARDWELL said, Norfolk, Suffolk, Hampshire, Hertfordshire, Buckinghamshire, Bedfordshire, and the West Riding of Yorkshire.

Mr. CAYLEY said, he wished to know why the survey was not to extend to the other counties of England?

Mr. CARDWELL said, the experiment would next year be made in eleven counties, some of them very large counties. When the experiment was first made, great difficulties were experienced; but those difficulties had been removed by judicious conduct. The Government, however, did not think it proper to ask a Vote for the whole kingdom until it had made an extended trial of the plan.

Mr. EVELYN DENISON asked, whether it was intended in the English returns to give the estimated produce, as in Scotland?

Mr. CARDWELL said, from the first it had been determined to keep matters of fact, such as the quantity of stock, acreage, &c., distinct from matters of opinion, such as estimates of produce. In the Scotch returns, both matters of fact and of opinion were stated, and he was informed that those opinions had been generally regarded as correct and satisfactory. In England, where the experiment was surrounded by greater difficulty, it was intended that those inspectors who opened new grounds should confine themselves to matters of fact, but that Sir John Walsham and Mr. Hawley, in the counties with which they already had been connected, should refer to matters of opinion as well as to matters of fact.

Mr. CAYLEY said, it would be satisfactory if the right hon. Gentleman would state (what he believed to be the fact) that the agriculturists had interposed no obstacle to the collection of these statistics.

Mr. CARDWELL said, it would be unfair to make any representations, on the whole, unfavourable to the intelligence of the agricultural interests; but, at the same time, it would not be true to say that there had not been at first any prejudice or opposition. More enlightened views, however, had prevailed (principally through the influence of men like Lord Ashburton), and there was every reason to believe that the work would ultimately be accomplished.

Colonel DUNNE said, he hoped that it was intended to continue estimating the quantity of corn grown in Ireland, for although it was only an approximation, it had been productive of much good. He approved of the system under which the statistics had been collected, but thought it expedient they should be collected as early as possible. Last year some were collected as late as October.

Vote *agreed to.*

(6.) 6,000*l.*, Spurn Point, River Humber.

Lord HOTHAM said, this Vote was for repairing a breach of the sea, and he must complain that the evil had been much increased in magnitude in consequence of the difficulty of communicating with the Government agent in a distant part of the country. The work was now being attended to, and its progress was satisfactory. He hoped in case of a similar disaster somebody would be there who had authority to give immediate orders.

Sir JAMES GRAHAM said, a question had arisen between the Trinity Board and the Admiralty on the subject, but after full consideration they had come to the conclusion that it would not be fair to insist on the Trinity Board paying for this matter. Attention had consequently been given to it, and it was now under the direction of the Admiralty officer of the Humber. He quite agreed with the noble Lord that this was a matter which required close and constant attention, and that that might be done a conservator of the river Humber had been appointed, who would act under the orders of the Admiralty. He would be desired to repair the breach, and to give his constant attention to the preservation of the coast, and to prevent a spread of the injury. The Committee would remember that they had voted large sums of money for harbours of refuge, but the Humber was a natural—and the only natural—harbour for a long distance upon the coast. He could assure the noble Lord that he would give the subject all the attention in his power.

Vote *agreed to.*

(7.) 13,370*l.*, Kingstown Harbour.

Mr. J. WILSON said, he had now to propose a Vote for the repairs of Kingstown Harbour. Since the subject was last before the House inquiry had been made, and, upon the report of Mr. Rendel, the works were suspended for a short time; but they would shortly proceed, and he trusted to the satisfaction of every one.

Colonel DUNNE said, he wished to know whether any alteration in the original plan, with regard to the depth of water, was likely to be adopted, in conformity with the suggestion he had made.

Mr. J. WILSON said, that the plan likely to be adopted, differed from the original design in this respect. Mr. Rendel had suggested that the harbour ought to be larger, so that steamers might arrive at all times of the tide, and the mail-bags and passengers be removed immediately to the railway train.

Mr. W. WILLIAMS wished to know whether the Vote was to be a final one?

Mr. J. WILSON said, it was for one year. An estimate of the total cost of the works had been prepared.

Vote *agreed to.*

(8.) 16,889*l.*, Duchy of Cornwall Office.

Sir WILLIAM MOLESWORTH said, that on moving the third reading of the Bill relating to this matter he had promised to make an explanatory statement. The object of this Vote was to provide a new office in Pimlico for the Duchy of Cornwall in exchange for the old office in Somerset House. The Duchy of Cornwall possessed offices, or rather he might describe it as a house, in Somerset House. There were two basement floors, in which the valuable records of the Duchy of Cornwall were placed, and there were four upper stories, which were used as the office of the Duchy of Cornwall and the rooms of the secretary. By the Act 15 *Geo.* III. c. 33, a part of Somerset House was vested in the King for the use of the office of the Duchy of Cornwall, and for other offices. The offices now occupied by the Duchy of Cornwall were very much wanted by the Inland Revenue Department. One branch of the Inland Revenue, the Excise, had hitherto been carried on at an office in the City, and the other at Somerset House, and it was considered expedient that both should be united. The office in the City was sold, and this branch was brought to Somerset House, where new buildings were in course of erection for the Inland Revenue office. However, great inconvenience was felt from the want of sufficient space, and this was more particularly felt since the Succession Tax had added considerably to the duties of that department. He had accordingly been directed to put himself in communication with the Council on the subject. They stated, however, that they were very well satisfied, and did not wish to part with their office in Somerset House, but for the convenience of the public service they consented to give up Somerset House on condition that they were furnished with an office as good, as valuable, as well situated, and to which they had as good a title as to their office in Somerset House. He thought these conditions only fair and reasonable, and he then took steps to procure a house for them. The first place to which he had directed his attention was Buckingham House, Pall Mall, but he found that in the first instance 30,000*l.* was demanded, and that 4,500*l.* would be required in addition to put it in order for the accommodation of the Duchy of Cornwall office. This sum was, he thought, much too large; it was double the amount of the present Vote. He had then proposed the Irish office in the Birdcage Walk, but on inquiries he found it impossible to obtain the fee simple of that building. It was then proposed to build a new office on the site of the new street at Pimlico. He was anxious that the houses in this street should consist of a new and better class of buildings, as being likely to return ultimately a larger amount of ground-rents to the Crown, and he thought that the best mode of beginning would be by building a new office for the Duchy of Cornwall at the extremity of the street, near the entrance to St. James's Park at Buckingham Palace end, and the Council of the Duchy of Cornwall agreed to accept this site, and plans for the new office were prepared and agreed to. But then arose the question of the comparative value of the two sites, and estimates were made on the part of the Board of Works and the Duchy of Cornwall respectively. The Board of Works argued that as the new office would be of more value than the old office in Somerset House, the Duchy of Cornwall ought to pay a portion of the expense. But the officers of the Duchy of Cornwall contended, on the other hand, that, as they had no desire to change, as they were very comfortable where they were, and only consented to vacate their present offices for the public convenience, it was not fair to call upon them to pay any portion of the expense. He could not deny that there was much force in this argument, and the following arrangement had at last been come to:—Two valuers were to be appointed—one by the Board of Works, the other by the Duchy of Cornwall—with power to the valuers to select an umpire; these valuers to have power to determine the difference between the value of the old office at Somerset House and the new office at Pimlico. If the value of the old office was greater than that of the new, Government was not to be called upon to pay anything to the Duchy of Cornwall. If, on the other hand, the value of the new office was greater than the old, the Duchy of Cornwall was only to be called on to pay the half of that difference, the other half being remitted in consideration of the accommodation that their removal would afford to the public. It was further stated that the officers of the Duchy of Cornwall had consented to remove immediately, though the new office would not be complete in less than two years. According to the estimate made by the officer of the Board of Works, the difference between the value of the two offices was 4,000*l.*, to be paid by the Duchy of Cornwall, of which, if the estimate were adopted, 2,000*l.* would be paid by the Duchy of Cornwall to the Consolidated Fund for the increased value of the new Vote, and the other 2,000*l.* would be given up as an accommodation to the Duchy of Cornwall for giving up an office which they had no desire to leave, and to which they were as much entitled as any hon. Member was to his town house. This was the estimate of the Board of Works, but the Duchy of Cornwall had come to a different estimate, and one in which no payment was to be made on their part. If the Vote were not agreed to, the Duchy of Cornwall would be very well content to remain in their present office in Somerset House, but the result would be very inconvenient to the public service.

MR. W. WILLIAMS said, he saw no necessity for this outlay at the present time. The Irish office had been removed from the house in Birdcage Walk, and, that being unoccupied, the right hon. Baronet ought to have removed the Duchy of Cornwall to that office. [SIR W. MOLESWORTH: But they won't go.] The House had lately voted 467,000*l.*, including, he supposed, the surplus from the late Exhibition, for the purchase of ground for public buildings. Surely a place could be found at Kensington Gore for the Duchy of Cornwall; or there was a space behind Somerset House leading to Waterloo Bridge which was available for the same purpose.

MR. DISRAELI said, the hon. Member for Lambeth was constantly harping upon the Vote of 500,000*l.* for the sites of Kensington Gore and Burlington House, but he seemed to forget that 150,000*l.* of that money was no part of the public grant, but was a munificent contribution from the surplus proceeds of the Crystal Palace. The House had voted 200,000*l.* for the purchase of land at Kensington Gore, but that was not for the purpose of public buildings, nor was the 125,000*l.* voted for Burlington House, inasmuch as it was purchased for the sake of the site, and it was generally contemplated that the present edifice would be pulled down. And then the hon. Gentleman said that the House having given near 500,000*l.* for public buildings, ought to be able to find accommodation for the office of the Duchy of Cornwall. He could not understand by what process of logic the hon. Gentleman arrived at this inference. Whether it was right to purchase the area which the country had obtained at Kensington Gore by means of the 150,000*l.* surplus of the Crystal Palace, was a question for that House to discuss, but it was impossible in these plots of land to find any equivalent for the house they were taking away from the Duchy of Cornwall. If they were turned out of Somerset House, the country was bound to find them another office. The arrangement proposed by the right hon. Baronet seemed to him very wise and politic, and, upon the whole, an economical arrangement, and he should support the Vote.

MR. W. WILLIAMS said, he must explain, that he was perfectly aware that the sum of 467,000*l.* recently laid out in the purchase of land included the 150,000*l.* surplus of the Crystal Palace, which had not been voted by Parliament.

MR. AYSHFORD WISE doubted extremely whether the Duke of Cornwall had in reality any vested interest in Somerset House. If at any time questions were asked in that House upon the subject of the Duchy revenues, they were told it was a private matter, with which that House had no more to do than with the rent-roll of the Duke of Northumberland, or the Marquess of Westminster. If that House, then, had no control over Duchy property, he should like to know what right the Duchy had to a public office for which they paid no rent? With a revenue of 57,000*l.*, and salaries at this moment of 13,000*l.* a year, he thought the Duchy were not justified in asking for a Vote of this kind — one which benefited persons who assumed, when it was convenient, that they were private individuals. Before the Committee consented to this Vote, he wished to state a few facts with reference to this vested right, for the more he had investigated the case, the more disposed he had been to oppose the Vote. In 1761, George III. purchased Buckingham House of Sir Charles Sheffield for 21,000*l.* Old Somerset Palace then belonged to the Crown, and was usually the residence of the Queen Dowagers. The Crown, on being paid 100,000*l.*, gave up Somerset Palace, and it was shortly after pulled down and the present house erected by Chambers, between 1776 and 1786. The rooms were converted into offices for the Navy Stamps, Inland Revenue, and other departments, and apartments were allotted to the Duchies of Lancaster and Cornwall. Now the Act confirming this arrangement was of a very singular character, and several of the clauses were repealed five years afterwards, as contrary to the usage of Parliament, the Acts respectively being 15 *Geo.* III. c. 33, and 20 *Geo.* III. c. 40. Lord Coke had well called the Duchy "a great mystery," and there certainly appeared something mysterious about this vested interest. The proposition before the Committee was, to give up a few rooms in Somerset House, and to vote 16,889*l.* for a new office in Pimlico. The new premises were to be valued against the old, and half the excess to be paid by the nation. If there were any vested interest, and the Government wanted these apartments for the Inland Revenue service, he thought the most desirable course would be to purchase the interest of the Duchy, and not embark in an expenditure without limit or any guarantee that the outlay would not exceed the amount of this Vote. It was said that this was private property; but the Committee could not forget that the original grant by Edward III. to the Black Prince was confirmed by Act of Parliament, and that the accounts were laid annually on the table of the House. And what did these papers disclose? A revenue of 57,158*l.*, and salaries of 13,000*l.* a year. The secretary, who now wanted a house in Belgravia with apartments vying with the Clarendon, where it would be cheaper to send him, had a salary of 1,000*l.* a year, and it was almost amusing to read the list of officers employed. Besides a chancellor and an attorney general, there were land agents, surveyors, inspectors, collectors, mineral agents, registrars, auditors, vice wardens, a warden, and a council to control this multitude of officials. He really thought such a system unnecessary to collect a revenue of 57,000*l.*, and that it was less justifiable to ask for a Vote of 16,889*l.* to build a new office, when the annual savings now accumulating for the Prince of Wales amounted to 25,000*l.* a year.

THE MARQUESS OF CHANDOS said, the Duchy of Cornwall had asked for no Vote, and did not want one single sixpence of public money. This was really a Vote passed for the accommodation of the Office of Inland Revenue. The Duchy had not asked to remove from their present offices, with which they were perfectly satisfied, but, being asked to accede to a new arrangement, they of course wished to have accommodation equivalent to that which they at present occupied.

MR. KENDALL said, the Duchy of Cornwall were very welll ocated where they were; they did not wish to move; and he thought it would be very unfair if they were turned out without giving them as good a place of residence somewhere else.

MR. HADFIELD said, he thought some further explanation was necessary as to the disposal of these sites, which ought to be appropriated to Government buildings. They had had a conversation the other night as to the renewal of the lease of Montagu House. Now, that was of all others the site which, according to all authority, was the best adapted to public offices, and though some explanation had been given by the right hon. Gentleman (Mr. Disraeli) of the accusation he made against the present Government as to that renewal, the Committee ought to know something more about it, and by what influence it was that the public had been deprived of that valuable site. The Chancellor of the Exchequer had promised to examine the papers, and give the House full explanation on the subject, but he had not done so. He (Mr. Hadfield) thought it would be well if those papers were produced, and also that the House should be informed whether the renewed lease had been granted, if not to a Member of the late Government, whether it had been at the instance of any Member of that Government, or in any way for party purposes.

MR. DISRAELI said, he regretted that the hon. Gentleman was not present on Friday when he admitted, and willingly admitted, that he was the "party," as the hon. Member called it, who was responsible for the renewal of the lease. That lease was renewed to a distinguished nobleman, who was not a Member of either the late or the present Government, and therefore there was no ground for saying that party feeling had anything to do with the matter. With reference, however, to the particular point under consideration, he could assure the hon. Gentleman that when he gave his opinion generally the other night that Crown leases ought not to be renewed in the vicinity of public offices, but ought to be kept for the public service, it was not in any with reference to the Duchy of Cornwall that he was speaking when he referred to the case of Montagu House, because if Montagu House had been kept for the Duchy of Cornwall in case this alteration had been completed, it would have been one of the most disastrous arrangements that could possibly have been made for the public service, and would have entailed the loss of a large sum of money. His view respecting Montagu House had reference to a class of service much superior to and more important than the Duchy of Cornwall. He believed the reasons why the lease of Montagu House was renewed were very valid reasons. There were certain equitable claims why that lease should be renewed, which rendered it an exception to the general principles which he had ventured to lay down. He had stated on a preceding night that he had laid down that principle with regard to the renewal of Crown leases, and also that there had been made virtually an exception in the case of Montagu House which had entirely escaped his attention; but for all this he, and he alone, was responsible. He felt quite persuaded that if a renewal of the lease had been refused with the sole object of accommodating the Duchy of Cornwall, that would have been a most ill-advised and expensive arrangement for the public service.

The CHANCELLOR of the EXCHEQUER: The hon. Gentleman (Mr. Hadfield) having reminded him that he had given something like a pledge to the House in connection with this subject, considered that he owed a word or two of explanation. When he stated that his recollection differed from that of the right hon. Gentleman (Mr. Disraeli), but that the papers relating to the transaction were at the Treasury, and he would examine them, he had the facts pretty clearly in his mind, but did not think it either wise or just, seeing that the affair had taken place many months ago, to speak positively without referring to the documents. The right hon. Gentleman had, however, rendered any statement of his unnecessary by the explanation he gave the other evening, and after that explanation he thought it hardly necessary to lay the papers on the table. If, however, the hon. Gentleman wished them to be produced, and moved for them, he saw no reason against it. Although he considered that an error in judgment had been committed in renewing the lease of Montagu House, it was only due to the right hon. Gentleman to say that nothing that had occurred gave the slightest justification that there had been anything more than an error in judgment committed.

Sir JOHN SHELLEY said, he wished to inquire whether it would be stated in the papers to be produced how much more the Duke of Buccleuch paid for Montagu House under the new lease than under the old one?

The CHANCELLOR of the EXCHEQUER: Yes. I think the House has a right to see the papers, and they shall be produced.

Vote *agreed to.*

(9.) 2,273*l.*, Registration of Joint Stock Companies.

Mr. BRIGHT said, he would take that opportunity of asking the right hon. Gentleman the President of the Board of Trade, whether the important question of limited liability was under the consideration of Government. He would say that he was acting for an important mercantile class, connected with Manchester and also with Liverpool, who were desirous of establishing a steam-shipping company under a charter of incorporation, and, on attempting to forward their views, he found it was not a very easy task to get at the information he required. The Resolution passed recently by that House bore very strongly on this question, and he hoped the right hon. Gentleman would state, for the advantage of the House and the country, whether it was the intention of Government to do anything next Session, and to bring in some measure upon the subject?

Mr. CARDWELL said, the Resolution referred to the principle of *en commandite*, and did not apply to the granting of charters to joint-stock companies. He believed it was the general opinion, and no one more cordially shared in that opinion than himself, that it was undesirable power of this kind should be exercised by a political official who was without the means of collecting evidence on both sides. With respect to the Commission, the recommendations of the Commissioners had received the most careful attention of Government, and Government would not fail to take these recommendations into consideration.

Mr. BRIGHT said, the right hon. Gentleman had admitted how anomalous was the state of the law which places in the hands of a political officer of the Government, sitting in a private room, without the power of collecting evidence, the power of granting or refusing charters of incorporation. He must remind the right hon. Gentleman again that this was a question in which the people of England took the deepest interest—a question which did not affect this country merely, but the remotest parts of the earth.

Mr. CARDWELL said, the course pursued by the Government had been in exact conformity with the decision to which a Committee of that House had arrived. He again repeated that the whole question would receive the fullest examination. At present he did not think it would be becoming to say more.

Mr. BRIGHT: The President of the Board of Trade had not given him a direct answer; nor, considering the Resolution which that House had affirmed, an answer which was satisfactory.

Mr. CARDWELL said, he must beg to remind the hon. Member for Manchester that a Committee of that House had inquired into the subject, but had abstained from coming to any decision. That Committee recommended the appointment of a Commission. The Government, in accordance with that recommendation, had appointed one. That Commission had made a full, diligent, and searching inquiry, and presented a carefully drawn up Report. Would it be right that he should now anticipate the decision at which the Government might arrive after a careful perusal of the Report and evidence—of a Commission, too, constituted of most able and efficient men, and the result of whose labours had been but so short a time before Parliament. When it was fully considered, then the determination of Government would be known.

Vote *agreed to.*

(10.) 50,000*l.*, Universal Exhibition of Paris in 1855.

Mr. BRIGHT said, he had had a representation made to him from an important meeting in Manchester with reference to this Vote. If Mr. Cole's, the town clerk's letter was looked over it would be seen that 50,000*l.* was asked for, and the purposes detailed. In Manchester there was a strong desire to have their manufactures fully represented in the Paris Exhibition, it being considered they were not fairly represented at the Great Exhibition in Hyde Park, in 1851. It was desired by the Manchester manufacturers to have no names or firms affixed to any exhibition of goods, but that goods should only have places, and not names, affixed. A subscription for this purpose had been entered into, and a large sum had already been raised. He had received a letter from a manufacturer in Manchester on the subject of the items of this Vote for 50,000*l.* The writer said it would appear from Mr. Cole's letter that very little of this sum was to be spent for the benefit of the exhibitors. Some of the items were these:—for dividing the spaces of the exhibitors, 3,700*l.*; cleaning and watching, 5,200*l.*; printing and advertising, 3,800*l.*; travelling expenses and jurors, 11,250*l.*; other expenses, 3,500*l.* The only items which really contemplated giving aid to exhibitors were—Carriage of goods, 2,750*l.*; general decorations, 2,000*l.* Therefore, out of the whole 50,000*l.* not more than 9,750*l.* could be called direct or indirect aid to the exhibition of goods of this country. He hoped the Committee would obtain some expression of opinion on the part of Government, to show that money would not be spent on mere official management, but in aiding the views and subscription of the Manchester manufacturers. Let the money be spent, the writer urged, not merely on matters of official show and glorification, but on really useful objects. He could not say anything more to the purpose than what was contained in the letter. There was only 9,700*l.* to be applied to objects which directly served the great purpose of the Exhibition, while not less than 43,000*l.* was to go for other purposes. He would put it to the right hon. Gentleman to take care in voting this sum, that such items as 11,250*l.* for jurors, &c., should not be unprofitably spent. The general result of the jurors at the English Exhibition in 1851 was nearly nothing. Medals and honours were bestowed so generally and universally, that the value of a medal to a manufacturer became so small as not to be able to be calculated at all. He did not mean to say a word against the Committee. The gentleman at the head of the Committee displayed ability and enthusiasm in forwarding the objects of the Exhibition; but he was an official, and, like other officials, was disposed to magnify the office he held, and to concentrate his whole regards in that one object. The grant might, in this view, be devoted in a magnificent manner mainly to the glorification of the official staff, as had been the case in other instances. It was right to vote a sum of money for the Exhibition at Paris, as it would be of extreme advantage to have our manufactures properly represented in Paris, as then the French people might be inclined to think it would be to their advantage to take some of our manufactures as we had done by theirs. He thought 43,000*l.* for other objects than those directly of utility to the exhibitors was an excessive sum, and he hoped the Committee would look into the items.

Mr. CARDWELL said, he was glad to hear the hon. Gentleman say we ought to make a suitable response to the French Government for what they did at our Exhibition in 1851. He admitted the Vote was large, and that it ought to be carefully scrutinised. With regard to his own department, it was its duty to take care that neither the Treasury nor that House should be under any delusion as to the application of the money. The hon. Gentleman said the Vote was so divided as to make more for the convenience and glorification of the official persons, than for the benefit of the exhibitors. The convenience of official persons amounted to this; that far greater responsibilities were thrown upon them, without any addition to their salary. With regard to the distribution of the sum, he was sorry the gentlemen of

Manchester did not think the expenditure would operate sufficiently for their benefit. The hon. Gentleman divided the sum into two parts. In every case of this sort there must be two classes of expenditure; one in which direct benefit would be obvious to the exhibitors; the other, where the benefit would be as great though not as obvious. This last class of expenditure had reference to that which was everybody's business and nobody's business, and which, if not undertaken by others than the individuals themselves, would not be done at all, though absolutely necessary in order to enable exhibitors to secure the benefits of the Exhibition. The hon. Gentleman sneered at the division of the sum of money proposed to be voted; but if the amount was too large, according to the knowledge of the hon. Gentleman, then the hon. Gentleman's knowledge differed from his (Mr. Cardwell's) knowledge, which was on the information gained from the Exhibition of 1851. [Mr. BRIGHT: That Exhibition was a totally different thing.] It was not totally different. What the French Government did for us, the English Government proposed to do for the French exhibition. The expenditure would not be without due control—the expenditure would be under the control of the official authorities, and the items would be regularly submitted to the Board of Trade. With regard to the sum to be expended, the principle Government proceeded upon was, to call on Parliament to furnish that portion of the expenditure which could not be looked for from individuals. The expenditure would be much less than the expenditure of the French Government in 1851. As it was manifestly impossible at once accurately to state the amount of the actual expenses which would be incurred, this sum had been put down as being likely to be sufficient to cover everything which would be required; but, if it were possible to economise the expenditure, the hon. Gentleman might be assured that every effort would be used for that purpose. He might here take the opportunity of stating that the French Government had, with praiseworthy liberality, made arrangements for the admission and consumption in Paris of all articles otherwise prohibited by the French tariff on payment of a maximum duty of 20 per cent. He rejoiced to have to mention the circumstance at that time; for he thought it was only due to the French Government to make it known. It was not a matter of regular occurrence, but an experiment, and everything of course should be done to lessen the expense; and if the exhibition should increase the intercourse between the English and French people, he (Mr. Cardwell) should not regret that expenditure.

MR. BRIGHT said, he had no desire to reduce the Vote by a single farthing, if it were considered necessary for the object in view; but he still thought that, while the really useful part of the expenditure was small, and he might even say stingy, that which was to be incurred for the cost of official management, for the staff of clerks, and for sending a great many persons to live luxuriously at Paris, was too large. The French Government were said to have spent 68,000*l.* on account of the Exhibition of 1851, but it must be remembered that there were not then associations of manufacturers and others at Lyons or Rouen, for instance, subscribing 3,000*l.* or 4,000*l.* for these expenses as there was in this country. If that had been the case, the French Government, in all probability, would not have had to spend so large a sum.

COLONEL SIBTHORP said, that he had always acted in conformity with one opinion with respect to what was called the Crystal Palace in this country. He entertained the same opinion with regard to Sydenham. He wished to ask the hon. Member for Manchester whether he had been at the Crystal Palace in Hyde Park? He (Colonel Sibthorp) had abstained from going there, fond as he was of articles of vertu, because he would not encourage foreign in preference to native industry. He had been brought up in that opinion. It might be vulgar; but he was an old John Bull, devoted to his country in every way that he could serve it—both in pocket and in person. He wanted to know whether the hon. Member for Manchester had shown his very valuable person in Hyde Park? He had not found him (Colonel Sibthorp) there, nor would he find him at Sydenham. He had never voted a shilling that was not for the benefit of his country. He would, therefore, again ask the hon. Member for Manchester whether he had been at the Crystal Palace in Hyde Park, and whether he meant to go to Sydenham.

MR. BROTHERTON said, his constituents entertained the same opinions on the Vote as those of the hon. Member for Manchester. They did not object to the amount of the sum, but to its distribution.

MR. VINCENT SCULLY said, he must complain, on the part of the people of Ireland, that the articles were only to be transported from London to a French port. He objected to the inadequate disproportion between the cost of transport and the cost of representation—it was the halfpennyworth of bread to the six gallons of sack. He hoped that something would be done for the transport of Irish manufactures from Ireland to France. There was no vote of public money in aid of the Irish Exhibition; and more assistance was got from abroad for that important national object than from this country. He did not object to the Vote; but he hoped Ireland would receive its due share of the expenditure.

MR. RICH said, that there did not appear to be any objection to the Vote, and, although there were some difficulties with regard to the appropriation of it, it would be satisfactory to the Committee if the right hon. Gentleman the President of the Board of Trade would give some intimation as to what officer would have the control of the money voted, and whether any Member of the Government would be responsible for its expenditure.

SIR JOHN SHELLEY said, he believed that if exhibitors had been left to themselves the whole affair would have been much better arranged than it would be if any charge were made upon the public funds. He could perceive that the general feeling of the Committee was in favour of this Vote, but he, for his own part, entirely objected to it. The report which had been referred to by the hon. Member for Manchester (Mr. Bright) appeared to him to be very absurd, for the greater part of the Vote would be eaten up in printing and other expenses, and in enabling a staff of jurors to pass a very agreeable time in Paris at the public expense.

MR. SPOONER said, there was some ground to ask a Vote for the transportation of goods to Paris, and for watching over their security there. But he did not know what we had to do with "the completion of the Exhibition and its general decoration." He hoped the right hon. Gentleman opposite could give the House some explanation of the items which appeared in the Vote under these heads.

MR. CARDWELL said, that all that it was intended to do was precisely the same that had been done by the French Government in 1851. It was not intended to furnish exhibitors with cases, but, after all had been done by the exhibitors, it became necessary to do something still more. In the case of raw products, persons would not care to send them over for exhibition, but the Government would do so, and the expenses of the cases would be defrayed out of this item. With regard to general decoration, also, it was proposed only to do what had been done by the French Government in 1851, and he must say that, if the textile fabric of this country were to be exhibited, in his opinion it would not be advantageous to place it in a part of the building which, from its appearance, would be the part least likely to attract the French people.

COLONEL SIBTHORP said, the Government had encouraged foreigners to that degree, that no article could be sold for the ladies unless it was foreign. For durability, solidity, and beauty, there was nothing like the British manufactures. He was a real John Bull. He had no reliance upon the French. Beware of man-traps and spring-guns in Prussia and Austria. John Bull was a great fool; and he (Colonel Sibthorp) would not subscribe to any Vote for the foreigner unless it was stated to be for the good of the British public.

MR. LOCKE said, he did not intend to oppose the Vote, but he thought that if the manufacturing industry of this country had been left to itself, there would have been no necessity for it at all.

Vote *agreed to.*

(11.) Motion made, and Question proposed,

> "That a sum, not exceeding 100,000*l.*, be granted to Her Majesty, to defray the Charge of Civil Contingencies, to the 31st day of March, 1855."

MR. W. WILLIAMS said, that many items paid under this head in the course of last year were very objectionable. He would not trouble the Committee with all of these objectionable matters, but only pick out some of the worst. He found that several amounts were set down for progresses made by West Indian bishops round their dioceses; he could not understand why these bishops did not pay the expense of these tours themselves. Again, for the clothing of the trumpeters of the Guards, a sum of 1,567*l.* was set down. That amount ought to have been in the Army Estimates, and then there would have been an opportunity of objecting to it. Another item was the payment to Lord Cranworth on his appointment as Lord Chancellor, 1,843*l.* Why this was paid he (Mr. Williams) could not conceive. A similar item was 2,000*l.* to Earl St. Germans, on his appointment as Lord Lieutenant of Ireland, and this was as inexplicable as the payment to Lord Cranworth. The objectionable items amounted in the whole to 10,000*l.* or 12,000*l.*, and they had no redress, for the Vote was for 100,000*l.*, which, no doubt, would be 20,000*l.* more than would be required, so that if he even induced the Committee to deduct the 10,000*l.* or 12,000*l.*, there would be sufficient remaining to defray all the charges.

Mr. APSLEY PELLATT said, he wished to know upon what ground a sum for the purpose of defraying the expenses of the colonial bishops for making tours through their dioceses was placed upon the Votes? It appeared to him to be an entirely new charge upon the public funds.

Mr. J. WILSON said, that for very many years the colonial bishops had been obliged to pay periodical visits to various portions of their dioceses. Several of these localities consisted of islands in the West Indies, and in passing to those districts they were usually afforded a passage in such of Her Majesty's ships as might happen to be at the particular station, and were merely allowed the expenses of their maintenance while on board the vessel. With respect to the sum paid to the Lord Chancellor upon his appointment, he could only say that a similar sum had been given to that officer from time immemorial; and he believed it was entirely inadequate to defray his expenses. To the Lord Lieutenant of Ireland, also, who was a high officer of State, he did not think that an unreasonable sum was asked to be granted for the purpose of furnishing the equipage becoming his position.

Mr. APSLEY PELLATT said, that, as he had received no sufficient answer with respect to the amount allowed to the colonial clergy for the purpose of enabling them to make a tour from one portion of their dioceses to another, he should move that that amount be deducted from the Vote.

Motion made, and Question proposed—

> "That a sum not exceeding 99,629*l.*, be granted to Her Majesty, to defray the Charge of Civil Contingencies, to the 31st day of March, 1855."

In reply to a question from Mr. Vernon Smith,

The CHANCELLOR of the EXCHEQUER said, that the first result of Sir Stafford Northcote's service was, in conjunction with another person, a Report upon the Packet Estimates, which led to a great reduction of the expenditure of the public money. He wished that his right hon. Friend should have time to read all the blue books that were produced by Sir Stafford Northcote and other public officers, and in conclusion he begged to remark that Sir Stafford Northcote was not in possession of any other emoluments when, at the request of the Government, he consented to receive a salary for his services.

Mr. MURROUGH said, that if they did not go to a division, the hon. Member for Southwark was only wasting the time of the Committee. He thought the hon. Member should have pressed the matter much more strongly than he had done.

Mr. FREDERICK PEEL said, the allowance to the colonial bishops was so small that it did not allow them to pay the expenses of travelling to various parts of their dioceses, which in some cases included many of the West India Islands; and hitherto the practice had been to pay out of the public funds the expenses incurred by them. For example, the island of Bermuda was in the diocese of the Bishop of Newfoundland—a considerable distance. The journey would involve considerable expense, and the small salary of the bishop would hardly enable him to bear it.

Mr. APSLEY PELLATT said, he would not divide upon the question if the hon. Under Secretary promised that the items would not be repeated next year.

Mr. MAGUIRE said, he thought the hon. Member for Lambeth (Mr. W. Williams) had been himself cruising about the whole evening in a very unsatisfactory manner, and without coming to any result. After criticising several items, the hon. Member had concluded by doing nothing.

Mr. W. WILLIAMS said, that whatever opinion the hon. Member might entertain of his conduct he regarded with perfect indifference. He had divided Committees on a great many items of wasteful expenditure, and he never succeeded yet in any division; and he, therefore, after pointing out what he conceived to be items of extravagance, thought it better to leave the matter rather to the Government than to the House of Commons.

Mr. HADFIELD said, he must protest against these constant claims for colonial purposes connected with religion.

Amendment *negatived*:—Original Question put, and *agreed to.*

(12.) 812,826*l.*, Post Office Packet Service.

(13.) 998,000*l.*, Militia.

MR. W. WILLIAMS said, he felt called upon to complain of the astounding increase in the standing army and militia force this year as compared with previous years. In the year ending 31st March 1852, the standing army was 98,714. The number this year was 127,977. Then there was an increase in the artillery from 14,573 to 20,306. And here was an increase of 124,700 militia, yet only 30,000 had been sent to the East, an equal number to which had been withdrawn from Ireland and the colonies.

COLONEL SIBTHORP said, he thought it was evident the hon. Member for Lambeth (Mr. W. Williams) knew nothing of soldiering, and he should like to see the hon. Gentleman amongst the awkward squad of the regiment which he had the honour to command. He believed that nobody in the country would be more ready to cry out "wolf," if his property were in danger than that hon. Gentleman. He (Colonel Sibthorp) considered the war to be one which involved the law, religion, and liberties of this country, and it was the duty of every loyal subject cheerfully to bear his share of its necessary burdens.

COLONEL DUNNE said, he begged to ask the Secretary at War what arrangements had been made with respect to the clothing of the troops?

MR. SIDNEY HERBERT replied that, with respect to the regiments of line, the contracts were for a year in advance. Consequently, there were contracts existing for the supply for 1855, and in some cases for 1856, in which no changes could take place, but the changes that would hereafter take place were under consideration. He had had specimens of cloth submitted to him, and hoped that he should be able, at the same time that the clothing was of a better description than heretofore, to effect a considerable saving in the outlay.

Vote *agreed to.*

(14.) 10,000*l.* Retired Full Pay.

COLONEL LINDSAY said, he wished to know whether there would be any objection to granting to those officers who had retired on full pay—many of whom had done good service during the Peninsular war—the same boon that had been granted to those who might hereafter retire on full pay?

COLONEL DUNNE said, he begged to ask what was the intention of the Government with reference to the recommendations of the Commission? He considered the subject alluded to by the hon. and gallant Member (Colonel Lindsay) worthy of consideration.

MR. NEWDEGATE said, he could not avoid expressing his fears that justice had not been done towards the colonels of regiments in the compensation given to them in lieu of the emoluments they derived from clothing their men. When those emoluments were first given to them, they were required to give up certain pensions and other sources of income. However much the country might condemn the system of making colonels derive advantages from clothing their regiments, he was quite certain it would not be the public wish that men, many of whom were distinguished officers in the service, should be prejudiced in their income by any new arrangement it might be thought expedient to introduce.

MR. SIDNEY HERBERT said, that, with regard to the clothing of the army, he thought the alteration which had been introduced was quite necessary, and that the changes would be economical, not because the colonels of regiments would suffer from it, which he believed would not be the case, because his opinion was that the whole fault of the existing system was on the part of the clothiers, and not of the colonels. He very much doubted whether such a system could have existed for so long a period if there had been any malversation. He thought, however, the system to be most objectionable in principle, and therefore he proposed that it should be abolished. It was quite true that the officers did give up their good-conduct rewards, and that they were exposed to this inconvenience, that during the first year they held their regiment they got no emolument from the clothing, as that went to the executors of the predecessor. Under these circumstances, he had offered to the officers to pay them at once for the year, which he thought was only fair. Further than this, where the officer provided caps which would have been paid for by his successor, in that case he considered that the public should stand in the same position as the successor would have done, and should pay the value of one year or of two years, as the case might be; but in no case would the officer be entitled to more than 600*l.* a year. With respect to the question whether the recommendations of the Commission would be made law, he should say that they would be embodied in a warrant. He had been for some days employed in drawing up minutes on the subject, and had had a communication with the Commander in Chief respecting it, but he would not give any opinion upon it at present. He confessed that his knowledge of that House and the bad results with regard to promises was such that he did not think they could pledge themselves to make any measure have a retrospective action. However, he would promise that the subject should receive the fullest possible consideration.

Vote *agreed to.*

House resumed.

STAMP DUTIES BILL.

Order for Third Reading read.

MR. HADFIELD moved that the House adjourn.

THE CHANCELLOR OF THE EXCHEQUER said, that at that period of the Session it was usual to sit a little late, in order to accomplish the business of Parliament in anything like a reasonable period.

Motion made, and Question "That this House do now adjourn," put, and negatived.

Bill read 3°.

On the Question that the Bill do pass,

MR. HADFIELD moved the addition of the following clause—

"And whereas doubts have arisen whether, under the provisions of the said Act of the 13th and 14th years of Her present Majesty, chapter 97, leases, whereby there is reserved a peppercorn or other nominal rent, are subject to the Stamp Duty of sixpence by the said Act imposed on leases where the rent shall not exceed five pounds, or to a Stamp of some other and greater amount, and it is expedient that the said doubts should be set at rest, Be it Enacted, That where, by any lease or tack of any lands, tenements, hereditaments, or heritable subjects, for any term of years, there shall be reserved the rent of a peppercorn, or any other nominal rent, such lease or tack shall, in respect of such nominal rent, only be subject to the said Stamp Duty of sixpence and no more."

MR. J. WILSON said, he must oppose the introduction of the clause.

Clause *brought up*, and read 1°.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

MR. G. A. HAMILTON moved the clause of which Lord Naas had given notice—

"Stamp Duties now payable on Matriculations, Degrees, and Certificates of Degrees, in each and every University in the United Kingdom, shall be abolished so soon as provision shall have been made, to the satisfaction of the Lords Commissioners of Her Majesty's Treasury, in lieu of any monies heretofore voted annually by Parliament for any of the said Universities."

He would remind the House that he had himself proposed a clause to the same effect, but applicable only to the University of Dublin. The Chancellor of the Exchequer had objected to that clause on the grounds that he (Mr. Hamilton) was showing favouritism to one University. He was not ashamed to acknowledge that he felt it his duty to attend particularly to the interests of the body whom he represented; but his noble Friend (Lord Naas) having given notice of a clause more general in its application, he was quite as ready to propose it. The case could be explained in a few words. The Commissioners for the three Universities had recommended the abolition of the stamp duties. The Commissioners for Cambridge state—

"These taxes on degrees and matriculations are levied only on the students and graduates of Oxford, Cambridge, and Dublin, and with the single exception of the M.D. degree of the Scotch Universities, upon which we are informed there is a stamp duty of 10*l*., there is, we believe, no similar tax upon students in any other University in the United Kingdom."

The Oxford Commissioners state—

"We are of opinion that the stamp duty now charged on matriculation and degrees, and the heavy tax of 10*l*. on the certificate of a degree, should be repealed. It seems anomalous that Government should take from a place of education not less than 2,400*l*. a year."

The Dublin University Commissioners state—

"Stamps on matriculation and degrees seem to us to violate the fundamental principles of taxation. In the first place, they bear no proportion to the means of the taxpayer; the parents of the sizar, or the sizar himself—exempt from the fees to the college on account of poverty—is taxed at the same rate as the parent of a fellow-commoner, who pays to the college double fees; in fact, they have all the evils of a poll tax. In the next place, they are imposed at the time when it is most inconvenient for the contributors. To any one with moderate means, who thinks it his duty to give his son a University education, or any hard-working student supporting himself by tuitions, the period of education is the one when money can least be spared; every pound is then of value."

The Chancellor of the Exchequer had objected to his (Mr. Hamilton's) clause, as if the remission of the stamps would be so much given to the University of Dublin, but it was nothing given to the University of Dublin. The tax was a student's tax, payable by students, not by the University. It was a tax upon education, and it placed the University of Dublin in an unfair position as compared with the Queen's University in Dublin, where there were no stamps payable upon matriculations or degrees.

The CHANCELLOR of the EXCHEQUER said, he hoped the House would leave the Government to deal with the question, which was one of considerable complexity—and he was prepared to say that the Government would deal with it. These degrees divided themselves into two classes; the duties upon one of these classes he admitted, as stated by the hon. Member for the University of Dublin (Mr. Hamilton), were taxes upon education; but the duties on the other class, such, for example, as the medical degrees, were duties upon a franchise, which opened the door to a lucrative profession; and if they remitted the duty upon the medical degree conferred by Universities, they must legislate in a similar manner with respect to the College of Physicians. There were also the Inns of Courts, and they must deal with the duty paid on admission to the degree or privileges of a barrister, and then they would have also to consider the claims of their old friends the attorneys. The stamp duties were not at present to be remitted at Oxford; as a condition for remitting them, Government would require from the University the endowment of certain professorships. He hoped, for these reasons, the hon. Member would be induced to trust the matter in the hands of the Government.

Colonel DUNNE said, he thought that no case had been made against the proposition of the hon. Member (Mr. Hamilton), and he would support him on a division.

Mr. G. A. HAMILTON said, he would ask the Chancellor of the Exchequer whether he would consent to remit the stamp duties now upon matriculations and degrees in arts? He believed he might be allowed to say that the board of Trinity College were about, of their own accord, to endow certain open scholarships, which ought to entitle them to the same remission as Oxford.

Lord JOHN RUSSELL said, the Government had at present no official knowledge of this, and it would be necessary to see in what manner these scholarships were to be arranged; but the subject should be dealt with by Government.

Mr. G. A. HAMILTON said, that under these circumstances he would not press his clause to a division.

Clause *brought up*, and read 1°.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

Mr. HADFIELD said, he knew that he rose under great disadvantages at such an hour (half-past one), when the Treasury bench was the only bench that contained any considerable portion of occupants. However he would beg to move another Amendment of which he had given notice.

Amendment proposed, to leave out the second column in page 13, under the title "Duties," beginning at the words "if the term shall exceed 100 years," and ending with the figures "3*l.* 0*s.* 0*d.*"

Mr. J. WILSON said, he must decline to argue the question, since it had already been decided by the House.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 74; Noes 8: Majority 66.

Other Amendments made.

Bill *passed.*

CRIME AND OUTRAGE (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. MAGUIRE said, he thought the right hon. Gentleman the Secretary for Ireland ought not, at that hour of the morning (ten minutes to two o'clock), to persevere with a Bill which he really did think, under the present circumstances of Ireland, involved both an insult and an outrage.

Sir JOHN YOUNG said, the Bill was simply directed against the Ribbon lodges and secret societies in those counties in Ireland where they existed. When they looked at the operation of these societies in the county of Monaghan, and in part of Armagh, some repressive law must be considered as absolutely necessary. It was impossible to exaggerate the evils which the system of terrorism, as it prevailed there, produced, and no Government could safely dispense with the powers given them under this Act. The powers conferred upon the Government by this Act were simply these:—In case atrocious crimes were frequent and numerous in any district, the Lord Lieutenant had power to proclaim that district, and to station there a certain number of constabulary, which formed a charge upon the district. The main power, however, was the restriction placed upon the possession of arms. Any person who wished to possess arms must come forward and ask for a licence to have them in his house; but this licence was never refused unless a satisfactory reason could be assigned, publicly and in open court, why the applicant should not be allowed to have it.

MR. MITCHELL said, that he had been told by the late Mr. Bateson that he had received thirty-eight notices, and in the place he (Mr. Mitchell) lived in the north of Ireland, a gentleman was unable to leave his house because he employed an agent denounced by one of these Ribbon societies. He should support the Bill.

MR. R. M. FOX said, that as nothing had been shown to implicate the whole of Ireland in the offences which the Bill was intended to meet, he should move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. MAGUIRE said, that while expressing his abhorrence of such few wretches as had been described, he must assert that the state of Ireland generally did not justify the passing of the Bill—being peaceful, loyal, and obedient to the law, as a general rule.

MR. VINCENT SCULLY said, he did not approve of this kind of legislation two years ago, and therefore he could not be supposed to agree to it now when Ireland was so much improved, with the exception of the limited districts in Monaghan and Armagh. The Bill was now said to be to put down Ribbonism, which was entirely confined to the north, there being none in Munster and Connaught, and therefore the Bill ought to be limited to that part of the country.

MR. MACARTNEY said, that none but Roman Catholics were affiliated in these societies, and he hoped it would not be supposed these crimes originated with the Protestants of the south of Ireland,

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 50; Noes 11: Majority 39.

Main Question put, and *agreed to*.

Bill read 2°.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, August 1, 1854.

MINUTES.] *Took the Oaths.*—The Earl of Bantry.
PUBLIC BILLS.—1ª Metropolitan Sewers; Duchy of Cornwall Office; Stamp Duties.
3ª Burials beyond the Metropolis; Parochial Schoolmasters (Scotland); Valuation of Lands (Scotland); Youthful Offenders; Land, Assessed, and Income Taxes; Spirits (Ireland).

THE RIFF PIRATES.

THE EARL OF HARDWICKE, in putting a question of which he had given notice on the subject of the Riff, to his noble Friend the Secretary of State for Foreign Affairs, said, that our commerce on the highway of the Mediterranean had of late been much exposed to attack by a body of men known as the "Riff Pirates," who amounted in number, he believed, to 4,000 or 5,000, and who occupied a situation on the coast of Morocco, about 120 miles from Gibraltar. They lived under the immediate rule of their own chiefs or sheiks, but were tributaries or subjects of the Emperor of Morocco, and had lately become known as being most dangerous to the trade of all nations. The matter was of the more importance inasmuch as the position they occupied was on the direct highway of the commerce to the East and the Mediterranean, and it was of the highest importance that some measures should be taken to check their piratical proceedings. They were, he believed, first heard of in 1851, when they made a piratical attack on a vessel of this country, named the *Violet*, belonging to Wisbeach, which was treated in the manner customary with pirates, having been attacked and plundered, the master wounded, and the mate killed. The Government on that occasion sent a vessel of war to inquire into the circumstances, with a view to revenge the attack and bring away the plunder if possible. That vessel was received in a warlike manner, but it succeeded in bringing away the captured vessel; and he was not quite certain, but he believed she was obliged to return with her captain and some of her men wounded. That was in 1851; but as late as June or July last a vessel coming from Malta to England, named the *Cuthbert Young*, of Newcastle, was treated in the same manner, and the *Prometheus* was sent out to recover her, and to do what she could against the pirates; whether she succeeded or not he did not know, one statement being that she brought back the hull of the captured vessel, and another that she did not succeed; but, at all events, it was established that those pirates were ready for any sort of work, and committed great ravages. As the case now stood, he believed that the Government had only thought it necessary to deal with it by advertising traders to beware of that coast. But, having served in the Mediterranean many years of his life, he knew it was not very easy in passing through the Straits of Gibraltar to keep clear of it, as a current set in that direction, and vessels were driven on it whether they would or not; the consequence of which was, that it proved a capital trap for those men, giving them a position in which they could deal with the vessels as they liked. It did appear to him that something more was necessary to be done than the course taken by the Government of giving notice at Lloyd's that it was a dangerous coast; and he thought if the Government were not prepared to deal with those people by any measures of a warlike character, there should be at least a steam cruiser constantly there as a sentry for the protection of trade. The question which he wished to put to his noble Friend was, whether the Government intended to take any, and what, steps for the safety of trade with respect to these pirates?

The Earl of CLARENDON said, the subject had long occupied the attention of Her Majesty's Government. Four or five cases of piracy had happened since 1847, and applications had been made in the matter; but the difficulty of dealing with those men was, that they occupied a portion of the territory of the Emperor of Morocco, and were his subjects. In that state of affairs, an application had been made to the Emperor of Morocco to prevent the continuance of these depredations; but the Emperor professed his inability to do so, when Her Majesty's Government then informed him that they would undertake to do it irrespective of his assistance. In the case to which his noble Friend had alluded—that of the *Cuthbert Young*—the vessel which was ordered to look out for the pirates immediately went to the coast and recaptured the vessel, which was defended by the pirates, who were fired at and shelled, and there was reason to believe that they sustained considerable loss. The main difficulty of dealing with these people, however, appeared to be the necessity for a land force, and, with respect to that question there might be at this moment some delay; but he could assure his noble Friend that the attention of the Government had been directed to the subject, and there was a vessel now at Gibraltar specially charged to watch that coast for the protection of vessels passing through those straits.

MEDICAL GRADUATES (UNIVERSITY OF LONDON) BILL.

Order of the Day for the House to be put into Committee read.

Lord MONTEAGLE *moved*, that the House do now resolve itself into Committee on this Bill, the object of which was to extend the rights enjoyed by the graduates of the Universities of Oxford and Cambridge, in respect of the practice of physic to the graduates of the Universities of London and Durham.

The Duke of ARGYLL said, that he had no objection to this Bill, though it might, perhaps, have been well introduced in connection with the larger question of medical reform. He had given notice of his intention to move the insertion of words extending the provisions of the Bill to the Scotch Universities; but he was, at all events, anxious to provide that graduates of the Scotch Universities should no longer be under penalties for practising as physicians in England. Since he had given that notice he had had a very large number of communications from medical men of various classes, and from Professors of the Universities of Glasgow and Edinburgh, who had pointed out to him the fact, that a large number of very eminent medical men in England had nothing but a Scotch degree. Some of these gentlemen were of such eminence that they had received the honour of knighthood, yet every one of them was liable to penalties; and though the penalties were not easily recoverable, yet it was felt as an indignity that these gentlemen should be legally liable to penalties. All he wished to do was to insert a clause in this Bill to the effect, that the graduates of the Universities of Scotland should be put on the same legal standing as those of other Universities, as physicians—not as apothecaries, nor as general practitioners, but as physicians. The Durham University had been inserted in the Bill in the House of Commons, which University, he believed, had never conferred a single medical degree, and if that University had been introduced, he was at a loss to understand how the Scotch Universities, they being the great schools of medicine, ought to be omitted.

The Marquess of LANSDOWNE was understood to oppose the extension of this Bill to the graduates of the Scotch Universities. He admitted, indeed, that if the University of Durham were included in the Bill, that would furnish an argument for such a course. But he thought it would be undesirable to include the University of Durham, because no one could contend that it was, at present, a school of medicine. He hoped that before long a measure might be passed to establish a uniform standard of medical qualification; but, in the meantime, he did not see that any harm could be done by passing this Bill, which simply did an act of justice by giving the graduates of the London University the privileges which they had been entitled to expect since the foundation of that institution. It was indeed said, that there was danger lest, by an implication from an old Statute of Henry VIII., this Bill might be held to extend to the practice of surgery as well as medicine. He thought, however, that this might easily be provided against by the insertion of a few words in the Bill.

Lord CAMPBELL said, that what was wanted was that the graduates of the Universities of Edinburgh and Glasgow—the most renowned schools of medicine in the world—should have equal privileges with the graduates of the University of London, and they wanted no privilege whatever that was enjoyed by the graduates of other Universities. He could not understand why the privileges of other Universities should not be extended to those of Edinburgh and Glasgow.

After a few words in explanation from the Marquess of Lansdowne.

Lord WYNFORD said, he was not hostile to the present Bill, but objected to partial legislation on a subject of so much importance. What was wanted was, that every man who obtained the right to practise should bring with him to the neighbourhood in which he settled some guarantee that he was a proper and safe practitioner. He recommended the Government to consider the general question during the recess, and to bring in a Bill next Session dealing with the whole subject.

The Earl of GALLOWAY thought, that enough had been said to show that it was desirable to postpone the first clause of the Bill, in order that the subject should be considered in all its branches. A measure might then be passed next Session which should embrace everything desirable to be legislated upon in regard to this subject.

The Earl of DERBY said, his attention had not been directed to the Bill till he came down to the House that evening; but the conversation which had taken place was sufficient to induce him to agree with the noble Lord on the cross-benches that the House was hardly in a position to legislate on the subject. The subject of a licence to practise arising out of a degree granted by a University was one worthy of the consideration of the Government, and a measure on the subject ought not to be introduced into either House without their sanction. This measure had been introduced by a private Member; and he could say, in passing, that he believed that the University of London had better opportunities of being a good medical school, and therefore was more entitled to confer degrees, than either Oxford or Cambridge; and he did not believe that Oxford would exhibit any jealousy at such a privilege being granted to the London University. But this Bill was introduced into the House of Commons by a private Member; and another private Member said, if you give this privilege to the University of London, I claim it for the University of Durham; and the House of Commons having good-naturedly acceded to this claim, then came the noble Duke in this House, and demanded that the Scottish Universities should be put on a footing of perfect equality with the English Universities. Observe how that altered the whole character of the measure, which was now of far greater extent than when it was first introduced, and an entirely new question had been raised—namely, whether licences from the Universities in England, Ireland, and Scotland respectively should not give authority to those possessing them to practise all over the United Kingdom. He was not saying whether or not it was right to confer the privileges on one University or another, as Glasgow, St. Andrews, Aberdeen, or Dublin; or whether you should go on inserting these different Universities one after another in the Bill, or whether you should pass an exceptional Bill for the University of London alone. But what he thought was, that you should deal with the whole question in a great measure; and though the noble Marquess (the Marquess of Lansdowne) said that a grant of this privilege to the London University could not interfere with future legislation, he could not help thinking that practically it would so interfere, and that you ought not to confer on one University privileges which might tend to interfere with legislation hereafter. This subject ought to be dealt with as a Government measure, and not be left in the hands of individual Members, who dealt with it by putting in the claims of different Universities, which were allowed or not, not according to a definite or fixed principle, but according to the caprice of the House of Commons or their Lordships' House, as they happened to be worked upon by the case presented to them. He should not himself take the sense of the House on the question of going into Committee; but if the noble Lord on the cross-benches made a Motion to delay the Bill he should vote with him.

Lord MONTEAGLE said, that the Bill was supported by the Secretary for the Home Department in the other House.

The Earl of DERBY: I said it was not a Government Bill, and that observation was cheered by noble Lords opposite; and yet my noble Friend says that it has been taken up by the Government.

Lord MONTEAGLE: It was taken up by them in the other House, and every Member of the Government voted for it.

Lord CAMPBELL said, he could not believe it possible that the Government would support such a measure. He should follow the example of the noble Earl (the Earl of Derby), and, although he should not move the rejection of the Bill, if any noble Lord made such a Motion, he would vote for it.

Lord WYNFORD said, although he had no hostility to the measure, yet, because that he wished that the general subject should be taken into consideration before legislation took place, he would move that the House go into Committee on the Bill this day three months.

Amendment *moved*, to leave out "now" and insert "this day three months."

On Question, that "now" stand part of the Motion, their Lordships *divided*:—Content 17; Not Content 15: Majority 2.

Resolved in the *Affirmative*: House in Committee accordingly: words including the University of Durham struck out: Amendments made: The Report thereof to be received on *Thursday* next.

The Earl of Derby

BURIALS BEYOND THE METROPOLIS BILL.

Bill read 3ª (according to Order), with the Amendment. Further Amendments made.

On Motion that the Bill do pass,

The Bishop of LONDON said, that before the Bill passed, he wished to say a few words in explanation of what had been stated by him on a former occasion. Their Lordships would probably recollect that in calling their attention to the evil resulting from the general closing up of burial-grounds in the metropolis, he had made one statement, it appeared, not on sufficient authority; but he had made it on what he conceived at the time to be sufficient authority. The statement was to the effect that in a certain pool of water near the Eastern Counties Railway some bodies had been found, as well as some coffins, which it was conjectured had been thrown there to avoid the difficulty and expense of burying them in a parochial cemetery. He had found, however, from more careful inquiry, that it seemed to be doubtful whether any bodies were found, or any entire body was found, in that pool of water, or any more than certain fragments of coffins, and he believed some bones. It appeared likely that such remnants of coffins and bones had not been thrown in by any persons who were reduced to adopt that fatal measure by the difficulty of interring the corpses of their relatives; but that they were the remains of bodies that had been interred in unconsecrated cemeteries, and had been removed from thence to make room for others. The parish officers of Mile End seemed to consider that the statement he had made reflected upon them, and he gladly availed himself of that opportunity of saying that he meant to cast no imputation whatever on those highly respectable parish officers. The statement itself as to the finding of bodies in that pool of water he found was one made on somewhat doubtful authority; but while he admitted that, he should add that all the other statements he had made were more than borne out by subsequent inquiry. The evils that existed from the general closing of burial-grounds were most appalling; the increased expense of burials had produced pauperism in many instances, and had led to the greatest neglect of common decency. A most respectable clergyman in the north of London had informed him that so many as forty or fifty cabs and other conveyances, bearing the bodies of dead persons, were waiting until their time came for admission at the gates of unconsecrated cemeteries, and the corpses themselves were interred in a most hurried and indecent manner. Frequently the undertaker, or one of the labourers of the burial-ground, puts on a surplice, and reads such part of the burial service as he thought fit. In the main roads leading to two or three of these cemeteries the most disgraceful scenes of intoxication took place on the part of those who conveyed the bodies to them ; and the distress caused to poor persons who accompanied their deceased relations to their last homes was harrowing to the feelings of every humane spectator. It was not an unimportant matter, as affecting the public health, to know that cabs were now often used for carrying the bodies of dead persons—no matter whether they had died of contagious diseases or of any other complaint—to these cemeteries, instead of being decently conveyed in some of those cheap funeral conveyances which, cheap as they were, were beyond the means of these poor persons. He could not but express his deep regret that no measures had been adopted by Her Majesty's Government for putting an end to so indecent a state of things—a state of things revolting to the feelings of every pious and humane man—a state of things which created great moral evil, and which, if allowed to continue much longer, must also produce great social evil. He knew of but one effectual remedy for it, and he trusted that Her Majesty's Government would see the necessity of adopting it early in the next Session of Parliament. He meant the giving to the Secretary of State power to compel parishes whose burial-grounds had been closed by his orders to provide new cemeteries for the interment of their own deceased poor. He would again repeat the observation he had made on a former occasion, namely, that before such orders were issued, steps ought to be taken to provide fresh burial-grounds, so that no interruption might occur in the ordinary mode of conducting funerals with decency and propriety. It was very true, that the state of things in some of the existing churchyards was extremely disgusting, and prejudicial to the public health ; but if an interval had been allowed for providing new cemeteries before the closing of the old, he believed that no serious detriment to the public health would have resulted. As one who was interested in the comfort of the poorest orders of the people, and as a minister of religion, knowing the mockery of religious services which was continually occurring at interments, he could not refrain from expressing his earnest hope that Her Majesty's Government would take this matter into serious consideration, and next Session bring forward a Bill empowering the Secretary of State, under certain circumstances, to require the parishes—the large ones separately, and the smaller in combination—to provide decent burial-places for the bodies of the poor.

The Earl of ABERDEEN could assure their Lordships that the statement made by the right rev. Prelate was most painful to hear, and one that undoubtedly required the attention of Her Majesty's Government. Indeed, the evils he had described were such as must harrow the feelings of every right-minded person. The practical difficulties of the subject, however, were much greater than the right rev. Prelate imagined. It was not sufficient to authorise the Secretary of State to compel the parishes to provide new cemeteries, as he had proposed. But undoubtedly this question had been under the consideration both of the Secretary of State and of Her Majesty's Government; and every desire was entertained to meet the wishes of the right rev. Prelate. The state of many of the burial-grounds which had been closed was such as to compel, without delay, the steps that had been taken for that purpose. At the same time, he was far from denying that much hardship had been caused both to the clergy and to the poor by what had taken place. These were evils which, difficult as the task was, ought to be met; and he could assure the right rev. Prelate that every endeavour would be made by Her Majesty's Government to remove a state of things that was disgraceful to a civilised community.

Bill *passed*, and sent to the Commons.

SPIRITS (IRELAND) BILL.

Viscount CANNING moved that the Bill be now read 3^a.

Lord MONTEAGLE said, he felt it a duty to call their Lordships' attention to the provisions of this measure, which he had no hesitation in saying was one which, in its present state, ought not to receive their Lordships' assent. The title of the Bill was not in the least calculated to call attention to its contents; indeed, the provisions entirely conflicted with the title; and he believed that his noble Friend who had charge of it had found it necessary to alter the title accordingly. The original title was "to amend the Acts for the better Prevention of the sale of Spirits by unlicensed Persons in Ireland;" but clauses of the utmost possible importance had been introduced, having no relation whatever to that subject, but to a much larger and more important matter. In consequence, and to comply with Parliamentary usage, the title had been altered for the purpose of including those particular provisions. This he stated in order to explain the fact that so little attention had been obtained for this measure either out of doors or within the Houses of Parliament; and, as was not unusual at that period of the Session, it had passed through its various stages in both Houses without exciting much attention, even on the part of the most active Irish Members, though, perhaps, if it had been *de spiritualibus* instead of *de spirituosis*, the case would have been different, and the Bill would have been more fully considered. Their Lordships were aware that there existed in Ireland a force called the constabulary, and he might fearlessly assert that there was not an individual who had been brought in contact with the administration of the law in Ireland, or with the Irish Government, who would not be ready to do justice to that force, as being one of the most valuable institutions in that country. This force consisted of 12,000 men, well appointed and well disciplined, supported at an expense of 500,000*l.* annually, and originally established by the late Marquess of Wellesley for the exclusive purpose of preserving the public peace. In deference to that principle there were certain duties and functions from which, by law, the constabulary were excluded. They were excluded, for instance, from anything connected with the preservation of game, or the protection of fisheries, the collection of rents and tithes, and *specialter* excluded from the collection of the public revenue or the enforcement of the laws against smuggling. Successive Acts which had since received the sanction of the Legislature had repeated those exceptions. Their Lordships were now, however, called upon by the present Bill, which was introduced under another title, to repeal the wise provisions of all those Acts, and to apply the constabulary force of Ireland, for the first time, to the collection of the public revenue and the enforcement of its penalties. By one of the provisions of the Bill the Lord Lieutenant was authorised to declare certain districts in a state of insubordination to the Distillery Laws, and, thereupon, by virtue of this order of his Excellency, all the constabulary force in each proclaimed district were converted, *ipso facto*, into Excise officers. Let their Lordships consider for one moment what would be the effect of such an enactment. The Excise law, as everybody knew, was wholly separate and distinguishable from the ordinary municipal law, which the constabulary were hitherto called upon to execute. It was much more complicated and difficult, and required from those connected with that department duties of a very peculiar kind. It also conferred on those who administered it much greater powers. Excise officers were entitled to resort to very stringent authority, and, among other prerogatives, were entitled to proceed without the sanction of the civil magistrate, and to repel force by force by using the firearms which they held in their hands, and to fire, if necessary, in the execution of their duty upon any mob who might venture to oppose them. They had also power to break into any house at any time, by day or night, if they found such extreme measures necessary. Those who had looked practically into the subject—he referred, for example, to the clear evidence of that able and excellent public officer, Mr. John Wood, the head of the Board of Inland Revenue—had distinctly stated that the functions of the two classes of officers, the exciseman and the constable, were entirely distinguishable; that the power of the Excise officer in executing his duty was infinitely greater than the power of the constable; and that the protection which the law afforded him was proportionally greater likewise. An exciseman, for instance, had power to break into a house without special warrant, and at any time upon any information he might receive; by one of the clauses of this Bill, which transferred the Revenue duties to the constabulary, any constable, or sub-constable, even a young man who was for the first time appointed to discharge this service, was empowered by day or night—for the words were, at all times in quest of illicit spirits, or of persons who had sold spirits without a licence—to enter houses and enforce the law. These were functions and powers with which he had never hitherto been entrusted. Now, he put it to their Lordships, whether it was within the bounds of reason that by an Act of Parliament of this description they would at once communicate to these persons the whole knowledge necessary to enable them to discharge the duties that would be required of them under the Excise laws? Could they by an Act of Parliament, instruct the whole constabulary of Ireland with what would be a miraculous knowledge of the Excise code? A Select Committee had, indeed, sat upon the Bill; but not one tittle of evidence had been given by any person in favour of the scheme which the Bill was intended to carry into effect—indeed, all the evidence was to the contrary effect. But more wonders were to follow. The constabulary being turned into excisemen by Act of Parliament, at once came under the control of the Board of Excise, who would thus acquire a jurisdiction that would necessarily conflict with that of the magistracy, and of the staff of the constabulary, who would no longer have the power of regulating the force for the preservation of the peace. What would be the consequence? Endless contradiction and confusion. When the men were required for the preservation of the public peace, they might be ordered by the Excise to scour the country for the purpose of putting down illicit distillation. When ordered out by the Excise, they might be required to suppress an Orange or a Riband meeting. But, he was told, that as soon as the constabulary in a particular district were turned into excisemen, it was intended to withdraw the existing revenue police, who really knew their business, and to leave it wholly to the care of the constables, who were wholly ignorant of these new duties. The distribution of the constabulary force wholly unfitted it for such duties. At present they were distributed in small parties over the surface of Ireland, though they were chiefly concentrated in those parts where the population was the densest. The revenue police, on the contrary, were stationed in larger parties, not where the constables were quartered, but in the mountains and bogs, where there was a thin population, and where peculiar facilities existed for violating the Excise laws. Thus the constabulary were now necessarily distributed in the most populous districts of Ireland, whilst the service they would be called upon to perform under this Bill was in the least-peopled and least-accessible districts. Who could reconcile these contradictions? Then what was this novel service? It was no other than what was termed in Ireland "still-hunting." The constables hereafter would be engaged in interrupting the profitable, though illegal, practices of a large portion of the population; and that could not be done unless they went with an armed force sufficient to render resistance unavailing. The force of opinion, which now made their strength, would be lost. The constables went about in twos and threes by day or night. But pass this Bill, and they could no more proceed, or venture to proceed, in the small parties in which they were accustomed to patrol the country, than they could fly; neither could their parties be augmented in numbers except by withdrawing the police officers from their primary duty of preserving the public peace. So that if they were required to patrol the roads, to attend the petty or quarter sessions, and execute their proper duties, what would become of illicit distillation? If, on the other hand, they were employed in suppressing illicit distillation, what became of the protection to property and the preservation of the peace? When the constables were employed in preserving the peace, the illicit distiller would be at work; when acting as Excise officers the robber and the housebreaker would go unmolested. He protested against a measure of this kind as dangerous to the public peace, and inconsistent with their Lordships' past and wise legislation. But it should also be remembered that there was a revenue police already in existence; it was well organised, and under admirable officers. If that force were insufficient, increase it, but do not take away the force which was necessary for the general administration of the law. He believed that if there were a corrupting duty upon earth, it was that of the revenue service in a county or district where illicit distillation prevailed. The discipline of the British Army itself had broken down and crumbled under the temptation and influences connected with the manifold attempts to suppress illicit distillation in Ireland. A general order was issued that on no account whatever was any party to proceed upon revenue duty except under the command of a commissioned officer. Now if the British Army had been found to be incapable of executing those functions unless commanded by a commissioned officer, how could they think it possible that a much less disciplined force—the constabulary of Ireland—would, acting alone, be able to resist all the temptations which drink, bribery, and corruption would introduce into their body if Parliament permitted the Bill to pass in its present shape? If it be necessary, let the Government increase the number of the revenue police in Ireland to any extent; but, as they wished the peace of Ireland, let them not attempt to employ the constabulary on revenue duty. He had great confidence in the revenue police and its administration, and also in the constabulary, but he had no confidence at all in any double administration, such as would be exercised over a body acting as excisemen at one time and constables at another. Their Lordships were aware that the most hearty good-will was now generally manifested towards the constabulary by the people of Ireland. They could move by night or by day in districts the most remote without the apprehension of any attack being made upon them. Such was the confidence placed in the constabulary force in Ireland, that they are frequently made the depositories of information which the Government themselves could not obtain. But what would be the result if the force were in future sent out for the purpose of destroying the stills upon the mountains? They would lose that confidence and good-will of the people, and a feeling of enmity and distrust would inevitably be engendered. He thanked God that Ireland was at present in a state of peace and safety. What was the result of such a state of things? Why, that within the last two months the Government had withdrawn twelve regiments, which formed as it were the heart of the garrison of Ireland. They had been ordered abroad to carry the glory of England into distant lands, and the duties hitherto performed by the soldiers were now in a great measure discharged by the constabulary force, which it was proposed to debase by this Bill. He, therefore, considered it peculiarly unwise to employ the constabulary at the present moment in the way proposed by this Bill. There were not now as many soldiers as there were constabulary in Ireland. Was this a time to employ the latter body in a service in which they would feel themselves degraded? Sir Duncan M'Gregor, the head of the force in Ireland, declared that no employment could be more odious to the constabulary than that which should bring them in connection with revenue duty. This Bill, if passed in its present shape, would infuse a spirit of discontent among the constabulary at a time when there was increasing difficulties in recruiting their numbers. Mr. Wood, the Chairman of Inland Revenue, expressed an opinion similar to that of Sir D. M'Gregor. Upon those grounds, and acting on the strongest convictions, he should, after the Bill had been read a third time, move the omission of those clauses in the Bill which sanctioned the employment of the constabulary on revenue duty.

Bill read 3^a (according to Order) with the Amendments.

LORD MONTEAGLE then moved an Amendment in section 2, the effect of which was to take away from "sub-constables" the right of breaking into houses for the purpose of discovering illicit spirits. These sub-constables were generally young men, and hence they ought not to be intrusted with these large powers. He thought that this and other clauses of the Bill showed that it had not received a very large amount of care in the other House.

VISCOUNT CANNING said, that though no Member of that House had a better right to express an opinion on this subject than the noble Lord who had last addressed the House, still he (Viscount Canning) thought that he was justified in objecting to the view that the noble Lord had taken of this measure. With respect to what had been said as to the title of the Bill, it was true that when the Bill came up from the other House, the title had failed to express the provisions which were to be found in the measure, and when the discrepancy was pointed out it was remedied; and at all events the objection was one which was entitled to small weight. In order to prove that the Bill had received due consideration in the other House, he begged to remind his noble Friend that the clause at first inserted in the Bill, and which he (Lord Monteagle) supposed would put in jeopardy a large amount of revenue, had in the other House been omitted—the objections to the clause having been allowed to prevail, and when the Bill came up to their Lordships' House it contained no clause which could justify such an objection. Not only was the Bill amply discussed in the other House, but he begged also to state that, after considerable discussion, it passed without any opposition, excepting such as led to merely nominal divisions. The Amendment proposed by his noble Friend was brought forward on the ground that the sub-constables were young and inexperienced men, who could not be trusted with the delicate duties which would attach to them under this Bill. But none of these constables could act unless he had a warrant specifically addressed to himself, and he (Viscount Canning) thought that he might confidently state that there was a large number of these public servants, who were by no means young or inexperienced, but who, on the contrary, had been many years in the service, who had been distinguished by good-service marks, and who, in the case of the illness or absence of a chief constable, were frequently trusted with the command of a station. He thought, therefore, that if it were left to those in authority to select from these men—who as a body were thought worthy of trust—the most worthy, no bad result could arise from the sub-constables being intrusted with powers given under this Act. If this Amendment were inserted, then the Lord Lieutenant, in not being able to avail himself of the sub-constables, would only, out of a force of 13,000, be able to employ 1,500, and this would by a side-wind have the effect of defeating the purpose of the 13th clause. He thought that his noble Friend was hardly, by the wording of the 13th clause, justified in saying that the Lord Lieutenant would have power of converting the constabulary into excisemen, which would degrade them and render them comparatively useless in the discharge of the more legitimate services, and he had quoted the authority of Sir Duncan M'Gregor as being hostile to this change. He must also demur to the description given by his noble Friend of the evidence taken before the Committee last year. He must admit that Sir D. M'Gregor, throughout his evidence, expressed himself against any such general change as it was supposed would be effected by the present Bill, and it was perfectly natural for that gentleman, seeing how effective and well disciplined the force under him was, to desire to leave well alone. But Sir D. M'Gregor had, when pressed, said that he would undertake the duties which the proposed changes would require if they were imposed upon him, and he had also supported the evidence of others who had expressed an opinion that if the constabulary were employed in putting down illicit distillation, though this might at first create a sensation, yet after three or four months it would cease, and that the constabulary by performing these duties would not lose the good opinion and esteem of the people. With respect to the power given to the Lord Lieutenant under the 13th clause, it was not too much to suppose that he would, in the exercise of such discretionary power, try the experiment proposed by the present Bill, not in Donegal or counties where illicit distillation prevailed to a large extent, but rather in those counties where illicit distillation existed only to a small extent, and could be put down by the constabulary, even if they were so unfit for this duty as his noble Friend had stated. This measure would afford the opportunity of trying a safe and easy experiment, and even if it failed, limited to time as it was by the Act, it could not be productive of mischievous results; he therefore asked their Lordships to reject the proposed Amendments.

THE MARQUESS OF CLANRICARDE supported the Amendment. He begged their Lordships to recollect that, although the whole revenue police of Ireland only amounted to 947, yet, by the regulations of that force, the execution of warrants was only intrusted to 151 officers; and yet by the Bill now before them they were called upon to grant to the Lord Lieutenant of Ireland the power of authorising any one out of 13,000 persons to enter any dwelling in the country at any hour of the night. And although his noble Friend and relative (Viscount Canning) told their Lordships that the Lord Lieutenant would never exercise the powers which were given to him, he conceived that formed no answer to the objection; for if they were never meant to be used, why, he would ask, were they allowed to him? His more grave objection, however, to the Bill was founded on the employment at all of the constabulary in such service. He would say with confidence that there did not exist in any country of the world a police equal to that of Ireland. That force had been always regarded as a model force, even in this country; and when Sir Robert Peel wanted to make the London police perfect, where did he turn for a model, but to Ireland? He would therefore ask their Lordships, ought such a force as that to be distracted from its proper occupations—ought so gratuitous an injury to be inflicted upon it as this Bill contemplated, without the best possible reasons being shown for such a proceeding; and especially at a moment when, our soldiers being withdrawn, the whole maintenance of order depended upon the constabulary? But believing no such reasons had been shown, he should most certainly support the Amendment of the noble Lord.

LORD MONTEAGLE said, it was not his intention to divide their Lordships on the present Amendment, but would take the division on the 13th clause.

Amendment *withdrawn.*

On Question, that Clause 13 stand part of the Bill, their Lordships *divided:*—Content 17; Not Content 11: Majority 6.

Further Amendments made.

Bill *passed,* and sent to the Commons.

THE BOARD OF HEALTH—MOTION FOR PAPERS.

THE EARL OF SHAFTESBURY: My Lords, in moving for the papers and correspondence of which I have given notice, I must take the opportunity of vindicating myself and my honour against a charge which has been made by another person in another place, seriously affecting my personal honour and character for veracity. I feel, my Lords, that it may be of little importance to the world at large what may be the character of so humble an individual as myself; but, as a Member of your Lordships' House, it is a matter of some importance that I should stand erect before you, and either refute the charge which has been made, or submit to the contumely which its confirmation would inflict upon me. I am able, my Lords, to give the flattest possible contradiction to every item of the charge which has been made. It will be within your recollection that some time ago I made a statement, in which I mentioned that, during the transactions of the Board of Health, a meeting was held at which a certain noble Lord was present, at which I myself was present, and at which other Commissioners were present—that the noble Lord made a proposal, and that that proposal fell. The noble Lord stated that it fell in consequence of not being seconded. My assertion was that the term "seconded" never occurred—that it never was seconded—that the term never was used—that the proposal was made, and that it was met by myself. In opposition to this, I heard a statement made yesterday by the noble Lord in these words—

> "He had gone to the Board on several occasions; he went to them, for example, on the 30th of January, 1851, at the request of the Government in a special case. . . He went to the Board of Health on this subject. This was on the 30th of January, 1851. The Board read to him a long letter of seven pages, which they had prepared, and in which they argued the point with the Treasury. Thereupon, as the minutes recorded,—'Lord Seymour moved that a letter should be sent instead of the proposed draught, stating that the Board are ready to act on the suggestions contained in the Treasury letter. This motion not being seconded, Lord Seymour stated that he wished that the Treasury should be informed, when the Board's letter is transmitted, that he differs from it.' Now, as to this matter, Lord Shaftesbury, in his place elsewhere, had stated that the thing had not happened as he (Lord Seymour) had described it on a former occasion. Lord Shaftesbury, speaking upon his honour, spoke, it was to be remembered, upon the information of the secretary—not having been himself present on the occasion—whereas he (Lord Seymour), having been present, spoke from his own recollection."

Mark the words! This is the way in which the noble Lord strikes down another man's honour, and endeavours to erect his own. He solemnly affirms, in opposition to my former statement, that I was not present. In the first place, I give my word of honour solemnly, and in the most emphatic manner that a gentleman can do, and under the most solemn obligations of an oath, that I was present. I give my word of honour that I was the person who spoke upon the subject, and that my colleagues said not a word. The noble Lord has committed himself by specifying the date. It is possible that there might have been a day on which I was not present; but he specifies three times emphatically, that upon the 30th of January, 1851, he went to that Board—that he made a proposal—that I was not there—and that I, speaking on my honour, when I assert that I was there, have asserted that which is untrue. Now, I state first, upon my word of honour as a gentleman, that I was there. Hear next the evidence—and first the written testimony of two of my colleagues—

> "The General Board of Health, Whitehall,
> "August 1, 1854.
>
> "We declare most solemnly that we were present at a Board held on the 30th of January, 1851, the day on which it is recorded in the minutes that 'Lord Seymour attended and made a motion that was not seconded,' and we further declare that Lord Shaftesbury was present and made the proposition which was adopted. On our remembrance being called to Lord Seymour's allegation that he had been told that his motion had not been seconded, we declare that he was not so told by us, or by Lord Shaftesbury in our presence on that occasion; nor do we believe that he was so told on any other occasion whatsoever.
>
> "EDWIN CHADWICK.
> "T. SOUTHWOOD SMITH."

Hear now the letter from Mr. Macaulay, the secretary, who was present at the time, and who writes to me to-day in the following terms—

> "My impression is, that you were present at the meeting of the Board on the 30th of January,

1851. The matter, however, can be placed beyond the possibility of doubt by reference to the fair and rough minutes of the 30th of January, where the attendances of each member of the Board are carefully recorded. "C. Macaulay."

What say the minutes? I refer to the fair minutes—I refer to the rough minutes, and I find—

"Extract from minutes of Thursday, January 30, 1851. Present—Lord Seymour, M.P.; Lord Ashley, M.P.; Edwin Chadwick, Esq.; Dr. S. Smith."

And now I am to be told, in the presence of the country and of the House of Commons, that, speaking upon my honour, I have been guilty of a falsehood when I assert what I have done, not upon any single testimony alone, but supported by that of my two colleagues, of the secretary, and of the minutes, which cannot lie. Now, one more statement. He goes on to say—

"Lord Shaftesbury had made it a charge against him that he had never attended the Board; this was not the case, though it was the case that he had ceased to attend the Board when he had found by experience that it was to no purpose that he attended a Board where he was systematically overborne, while he could occupy his time to really useful public purposes in his own office. The noble Earl had added that he (Lord Seymour) had told him, in confidence, that he never meant to do anything that he was not compelled to do. He would not be so discourteous as to go into any discussion with the noble Earl as to the expression so attributed to him; all he would observe was, that if he had said this to the noble Earl in confidence, his confidence had been much misplaced."

Hear what I did say,—I asserted that he stayed away, not because he was opposed, but because he had predetermined not to come, and I proved it by his statement to me a few days after he took office, that he could not attend, by his allowing sixty-eight Boards to be held between his first and second attendance, five between the second and third, ten between the third and fourth, and ninety-four between the fourth and fifth, when for the first and only time he met with a difference of opinion. I say that this completely proves that he never intended to come to the Board; and when he says he did not come because he was constantly overborne, my simple reply to him is, that he never did intend to come. Again, he says that he told me in confidence that he never meant to do anything he was not compelled to do. I never said that Lord Seymour had said to me in confidence that he would not do more than he was compelled to do. Lord Seymour never said it in confidence to any one; he said it to myself, he said it to my colleagues, he said it to Lord Ebrington, and he wrote it to the Board on the 14th of January, 1851, in these words—

"It is not in my power to attend the meetings of the Board of Health without neglect of my duties here."

Further on, speaking of the period when the powers of the Board of Health as conferred by the Act were about to close, the noble Lord said—

"This was precisely the time when the Legislature was properly called upon to review the operation of the measure, and nothing could be more unreasonable than the proposition of a noble Earl elsewhere—the non-official member and patron of the Board (Lord Shaftesbury)—that such review of its proceedings was an unhandsome attack upon absent individuals."

I never said that, nor anything like that. I said that for any gentleman to speak of men like his then colleagues, and to say that they "could be made to do their duty only by fear of losing their salaries," was an indecent and cruel charge which ought not to be made against absent men—against men to whom no notice had been given, and who, therefore, had no means of denying what was said. That is what I said, and what I most emphatically repeat, for I think that a charge made in such a tone and temper and manner against gentlemen as good in every respect as himself was an act of gross and intolerable indecency.

"In order," he says, "that such objectionable proceedings might not occur again, he had sent to the Board of Health requiring copies of all the minutes of their proceedings, so that he might see what was going on, it being impossible for him at that time—the Board of Works and the Board of Woods being then united—to attend at the Board of Health, who were in the habit of holding Boards every day for some three or four minutes *per diem*."

Now, anything more unwarrantable, and, I say again, more cruel, towards those meritorious and hard-working men, I never yet heard. I will undertake to prove that the average attendances at that Board were five hours a day at least—sometimes six or seven hours; and, when the cholera was raging, and in times of great pressure, as much as ten hours a day. Almost every night, also, business was taken home by the two Commissioners, on which they had to occupy themselves during the night, in order to prepare themselves to receive deputations or to transact important business on the following morning. The noble Lord went on to say—

> "He must express the opinion that the jobbing of the Board of Health presented an amount of dirt which must be very startling to the clean party in question. The whole thing was perfectly monstrous."

Here, again, is a charge of corruption which he knows well he cannot prove! This he calls, no doubt, "a review of the Board's proceedings;" without inquiry, without power of reply on the part of the accused. Is it wise, is it just, is it safe that any body of legislators should proceed to act upon such evidence as this? These are samples of the whole speech; there is hardly an assertion that might not be met by as flat a contradiction. They show the spirit of the man, the character of his charges, and the whole system of the attacks on the Board. He was pleased to reflect very contemptuously on myself and all my public actions and opinions. Partly through indifference, and partly through inability, I shall not endeavour to make any reply. It may be an infirmity, or even a vice, but so the fact is, that I do not much care for the opinion of my contemporaries, and nothing at all for the opinion of posterity. What I do care for is the conviction that I have, by God's blessing, "done my duty in that state of life to which it has pleased God to call me," and that conviction cannot be taken away either by Lord Seymour or the House of Commons. The noble Earl concluded by moving—

> "That there be laid before this House, Copies of any Correspondence from Local Boards of Health in reply to Inquiries from Towns where the Application of the Public Health Act was under Consideration; and also of any Communications from Chairmen or Officers of Local Boards on the opposition made to the Continuance of the General Board: And also, Copy of any Memorial from the Clergy of the Metropolis in relation to the Metropolitan Interment Act."

On Question, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, August 1, 1854.

MINUTES.] PUBLIC BILLS.—1° Militia Pay; Mayo County Advances; Public.
2° Militia Ballots Suspension.
3° Metropolitan Sewers; Marriages (Mexico).

BILLS OF EXCHANGE (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. GEACH moved, as an Amendment, that the House be put into Committee on that day three months. He did so because no opportunity had been given for properly discussing the subject. But few Members, he believed, were acquainted with the provisions of this measure, and he himself knew hardly anything of its nature until it had been read a second time. Its object was to assimilate the law on the subject in this country to that of Scotland, in one particular, by providing summary means of procuring judgment on a bill of exchange, when dishonoured. It provided that, on registering the Bill, before a registrar to be appointed for the purpose, execution might be obtained, and a man driven into bankruptcy, or his effects completely sold off, within six days after the bill had been dishonoured. He regretted that the practice of the Scotch law in this respect, and its working in commerce, were not better understood in that House. It might have been found to be attended with advantage in Scotland, but there were circumstances peculiar to Scotland which might account for that, and the want of which in this country might disappoint the expectations of its promoters. One of these circumstances was the greater extent of the banking system in Scotland as compared with England. As regarded merchants and others in a large way of business in England, the measure was clearly unnecessary; for their position was such, that the moment their affairs wore a threatening aspect, they were obliged to communicate the circumstance to their creditors. The harsh operation of the measure would be most felt by persons in a smaller way of business; for it would certainly happen under this measure that a man with 30*s.* in the pound would be forced into bankruptcy, and though so well able to pay the claims upon him, his ruin would most likely be as complete as if his circumstances were less favourable. Under this Bill a man would be driven to register a dishonoured Bill; for, unless he did so, another party to it would come in and do so, and take advantage of him. To illustrate the want of necessity for this measure, he might state that, for a period of eighteen years, he had been manager of a joint stock bank at Birmingham, a town whose transactions were best fitted to illustrate the subject. During that period, 246,000 bills of exchange had passed through that bank, amounting in value to 20,000,000*l.*, or the low average of 85*l.* each. Though the average was so low, only 30,000 of these bills had been returned, and the result of the whole was, that only in one single case had the bank to go into a court of law, and in eighteen cases only did they lose money, their total loss amounting to less than 2,000*l.* He contended, then, that the credit system of this country was a safe one, that the creditors had ample means already of enforcing their claims, and that a measure proposing so sweeping a reform in the law between debtor and creditor ought to have been preceded by the Report of a Commission specially appointed to investigate the subject. For these reasons he begged to move that the House go into Committee on the Bill on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Sir ERSKINE PERRY* opposed the Amendment, as the present Bill was a sound measure of law reform, and completely in accordance with the spirit of legislation of the present day. It was a mistake to represent it, as the hon. Member for Coventry (Mr. Geach) had just done, as a great change in the law; it did not at all alter the law as related to bills of exchange, but it enabled parties who were compelled to go to law to obtain their remedy in the simplest and most economical manner possible. This was the great object of all sound procedure, and it was entirely in accordance with the useful measure which had just passed through the committee of that House—the Common Law Procedure Act. What were the facts as regarded bills of exchange? It had been ascertained that out of one thousand actions, in not more than one was there any real defence; and the object aimed at was, to provide that in the nine hundred and ninety-nine defenceless cases, no sham defence or pleas for delay should be set up, or time and money be thrown away in unnecessary litigation. He had listened attentively to the arguments of the hon. Member for Coventry, and he had also made himself master of the objections which had been urged out of doors against this Bill; and they all reduced themselves to one position, namely, that a debtor who has entered into a solemn engagement to pay a sum of money on a certain day, should have what the hon. gentleman called a "breathing time" allowed him. But this principle was wholly unsound, and opposed to the clearest principles, both of good faith and expediency. What is desirable is, that the contracts entered into between man and man should be observed spontaneously and with punctuality; but if the assistance of a court of justice is to be called in, it should be done with as much efficacy and with as little vexation and expense as may be. The true function, in fact, of a court of justice in civil matters is to give effect to the contracts which individuals chose to enter into with one another.

In that system of laws which Lord Lyndhurst once pronounced to be the noblest monument of wisdom ever erected by man—the civil law—the prætor used to inscribe on his yearly album this principle as the guide to all his proceedings: *Pacta conventa servabo ait Prætor;* and all our legislation, as to courts of law, ought to aim at embodying the same principle. Unfortunately, in our common-law courts, a narrowness of interpretation and a sacrifice of substance to technicalities, had too often prevailed; and courts of equity, with their larger views and clearer perception of the true functions of a court of justice, had become necessary; but the reforms of the present day have the scope of enabling the truth to be arrived at in every kind of court, in the most simple and effectual manner that can be devised.

The hon. Member for Coventry had taken up a very popular side, when he pleaded so earnestly for debtors, and for leniency towards them; but nothing was so dangerous as to be carried away by feeling in a question to be decided only by reason and experience. He (Sir E. Perry) had had much to do in adjudicating between creditor and debtor, and in the court over which he had presided for many years, there was a summary jurisdiction which enabled the judge to give time to the debtor to pay his judgment debt. But he was satisfied, from long experience, and after many ineffectual attempts to temper justice with mercy, that it was an improper interposition of the judge to interfere between the parties as to the contracts they had entered into. He is never in the position to know exactly what the condition of the parties is; and often, when he flatters himself he is performing an act of the highest grace, he is committing great injustice, and is, in fact, setting aside the law which parties have prescribed to one another, and which it is his duty to administer.

The sound principle, therefore, is, that debtors and creditors should make their own terms with one another, and that courts of justice should only interfere to lend their machinery and enforce the contracts when required. In this observation will be found a complete answer to the argument so much relied on by the hon. Member for Coventry, derived from his banking experience at Birmingham. He has stated, that out of 30,000 returned bills, only eighteen actions had been brought, and that the rest were settled between the parties out of court. Assuming for a moment the correctness of his statistics—though one does not see how a bank, which looks to its own customer on a dishonoured bill, is able to ascertain the history of each bill after it leaves its own till and has been taken up by the discounter—still, exactly the same reasons which operate now to prevent creditors from pressing harshly on their debtors, will be in operation under this new Bill. There are laws stronger than any this House can frame, which are in operation to prevent oppression and undue harshness in cases of this nature—these are, the laws of human nature, self interest, and the regard for the opinion of one's neighbour, which intervenes to prevent creditors from ruining their debtors, that is, their customers, and from insisting on the letter of the law, when a little timely forbearance will strengthen and foster the healthy connection between them.

But the hon. Gentleman spoke with alarm of the extraordinary extent to which credit has spread itself in this country, and the danger to which it may be exposed by a measure of this kind. The House, however, I apprehend, will not listen to an argument in behalf of artificial props, or to anything which restricts the natural and healthy workings of society after its own spontaneous promptings. If numerous classes of the community give bills of exchange, and enter into solemn engagements to pay money which they cannot meet, the law ought not, by its vicious legal procedure, to encourage such rotten speculations. An argument from Birmingham on this subject, supported, as it seems to be, by the hon. Member for North Warwickshire (Mr. Spooner), is fraught with suspicion, and will carry little weight with the House. Indeed, he (Sir E. Perry) had been disappointed in finding such little validity in the objections of the hon. Member for Coventry; for he had understood that he had a great case to bring forward against this Bill. The only plausible objection he had heard raised against the measure was, that it gave the holder of a bill of exchange a great advantage, by way of remedy, over a creditor on a simple contract debt. Undoubtedly, if any form of procedure could be devised by which judgment in an undefended action in every case could be secured to the creditor as speedily as under this Bill, it would be a great boon to the public. But an essential difference exists between a simple contract debt and a bill of exchange, which always has made the latter an effectual security. In the former, say an action for goods sold, everything has to be proved, the contract, the delivery of the goods, the conditions of sale, the amount of credit; in the latter, everything is specified and reduced to writing between the parties.

In the present measure the House has the satisfaction of knowing that it is taking up no speculative reform, but is adopting a practice which has been in force for 170 years in Scotland, where the system of credit and banking operations generally have taken a firmer and healthier root than in any other country in Europe. All the great commercial countries of the Continent — France, Holland, Belgium, Germany, and Spain—have adopted summary proceedings, with regard to bills of exchange; and it had occurred to him more than once, whilst presiding over a court of justice, to hear foreign merchants complain of being compelled to bring a regular formal suit in an English court of justice, and to be delayed for months, on a bill of exchange, when nothing, in fact, required to be proved.

He trusted, therefore, that the House would allow the Bill to go into Committee, and he would assure them, that, notwithstanding the long list of Amendments which had been suggested by the legal profession, there were only two or three points on which it would be necessary to take the opinion of the House. The substitution of attorneys for notaries had been proposed, but he believed the idea was abandoned by the hon. and learned Member by whom it had been made, and it was clearly unsound. Another proposition had been brought forward, that the office of registrar should be filled by one of the Masters of the Common Pleas; but it was most necessary, for the due working of the Bill, that a separate officer should be located in the heart of the City, with no other functions to attend to; and not the least of the advantages attending this course would be, that it would enable all men of business to take the necessary steps on a dishonoured bill by their own clerks, and without any legal assistance. He had no desire to say a word against the profession to which he had the honour to belong, but he was satisfied that the interests of the public essentially required that they should never be compelled to call in a lawyer, unless a case for legal acumen and technical knowledge actually occurred.

Lastly, he would beg the House to observe under what auspices the Bill was introduced to them. It had passed through the House of Lords, where it had been supported by the Government, and had been submitted to a Committee of law Lords, including the Lord Chief Justice, Lord Brougham, and the Lord Chancellor, who had unanimously approved of it. The measure itself had emanated from a committee of London merchants and bankers, and had been discussed at public meetings at Liverpool, Leeds, Bradford, Manchester, &c., petitions from many of which places he had himself presented; and the other day the Lord President of the Council (Lord J. Russell) had presented a petition in favour of the measure from merchants and traders of the City of London, which, he had been informed, was more numerously signed by members of the mercantile community than any petition which had emanated from the City of London during the last fifty years.

Mr. SPOONER said, he had no doubt that many bankers and merchants connected with the City of London were anxious to have this Bill passed, for he could easily conceive that those who were concerned in extensive bill transactions might be naturally desirous, if drawers of bills did not meet their engagements, to have the means of compelling them speedily to fulfil such engagements. The great evil of this measure, however, would be that it would force numbers of small traders into hasty bankruptcy—a result which might be avoided by judicious treatment on the part of the holders of their bills. The hon. and learned Gentleman opposite (Sir E. Perry) had said that debtors and creditors should be left to settle their own arrangements. That was his (Mr. Spooner's) opinion; but this Bill would interfere with those arrangements, for it would compel the holders of bills of exchange to proceed according to the provisions of the measure. The holder of bills of exchange would practically be compelled to adopt proceedings, because, if he did not do so, he would lose his claim on the collateral securities. They were told that the system proposed to be established by this Bill worked well in Scotland, but in Scotland there was no circulation of small bills of exchange. In England one tradesman drew a bill upon another, and passed it to a third, and it seldom came into a banker's possession until it had gone through a great many hands; but in Scotland the small bills were not paid away, but remained with the bankers until they were due. No case of necessity had been shown for the adoption of this Bill; he thought it would probably occasion very great evils, and he would, therefore, support the Amendment.

Mr. WILSON observed that it was a great error to suppose that small bills of exchange did not circulate in Scotland, for there was, in fact, no part of the United Kingdom where trade was carried on to such an extent by bills of exchange of small amount as in Scotland. He did not believe that the adoption of this Bill would lead to any diminution of the accommodation now afforded to customers, and he would, therefore, support the measure.

Mr. JAMES MACGREGOR opposed the Bill and expressed his opinion that Mr. Geach's very extensive acquaintance with banking and commerce entitled him to considerable respect. He opposed the Bill on principle without asking any favour for debtors, but merely asking that all debtors might be put upon a legal footing. He considered that the law might very well be allowed to remain in its present state until another Session, and that if any Amendment were required it ought to be general, instead of being confined to bills of exchange, and thus giving a preference to the holders of such bills over contract creditors.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 56; Noes 30: Majority 26.

Main Question put, and *agreed to.*

House in Committee.

Clause 1.

Mr. JAMES MACGREGOR moved an

Amendment, providing that the Bill should not come into operation until the 24th of October, 1856, instead of the 24th of October, 1854, as was proposed by this clause. He considered that a sufficient time would not elapse between the termination of the Session and the 24th of October next to enable the trading and mercantile classes of this country to become thoroughly acquainted with the provisions of the measure.

Mr. GEACH supported the Amendment.

The ATTORNEY GENERAL suggested that bills accepted previous to the Bill coming into operation should be excepted from the operation of the Bill.

Amendment *agreed to.*

Clause, as amended, *agreed to;* as were also Clauses 2 and 3.

Clause 4 (appointing a registrar of protested Bills).

Mr. MASSEY thought it inexpedient to appoint a new officer, when there were already many officers of the Court of Common Pleas who were altogether underworked.

Sir E. PERRY, in advocating the propriety of a new officer, explained that the new officer would not be paid by salary, but merely by fees. As to the Court of Common Pleas, there was no doubt there was too large a staff there both of judges and of officers, and that the fifteen judges might be advantageously reduced in number.

Mr. BOWYER pointed out that fees were as much a burden upon the country as salaries. The Masters of the Common Pleas at present received 1,200*l.* a year for doing very little, and the obvious propriety of the case was, that the junior Master should earn his salary by performing the functions created by this Bill.

Mr. HENLEY altogether objected to the appointment of a new officer, when there were five officers of the Court of Common Pleas who ought to have something given them to do, for their large, all but, sinecures. He also objected to pay the new officer by means of fees.

Lord JOHN RUSSELL suggested that, as there were several other Orders of the Day, it would be better to report progress on this Bill.

Mr. MACGREGOR hoped that the further consideration of the Bill would not be set down for some occasion when the Government had arranged to have a majority present.

Mr. J. Macgregor

Bill *reported;* as amended, to be considered on *Friday* next.

THE CASE OF MR. JEREMIAH SMITH—QUESTION.

Mr. FREWEN said, he begged to inquire whether the Secretary of State for the Home Department had any objection to lay upon the table of the House a copy of a certificate which it had been stated was signed by every one of the jury who tried Mr. Jeremiah Smith, the late Mayor of Rye, and found him guilty of having committed wilful and corrupt perjury before a Committee of that House, and who had lately represented to his Lordship that they believed Mr. Jeremiah Smith to be innocent of the crime; and in consequence of this representation his Lordship had advised Her Majesty to grant him a free pardon.

Viscount PALMERSTON stated, in reply, that the case of Mr. Jeremiah Smith had been frequently brought under his notice by a great number of memorials, and by numerous persons who had interceded in his behalf; but, nevertheless, upon a full consideration of the case, and the evidence upon which Mr. Smith was convicted, he had not felt it to be his duty to advise the Crown to interfere with the execution of the sentence. On the 20th of July he had received from the jurors a document which he had no objection to lay upon the table if required, stating that the undersigned jurors who had tried Mr. Jeremiah Smith, and had pronounced him guilty of wilful and corrupt perjury, expressed their strong recommendation that mercy should be extended to him on the ground of its having been represented to them, and they believing it to be true at the time they gave their verdict, that the seat for Rye had not been abandoned when Mr. Smith gave his evidence, and that such evidence was given with a corrupt motive of retaining the seat for that borough. They stated that they now believed that the seat was then abandoned, and hence that there was no corrupt motive on the part of Mr. Smith, and they trusted that mercy would be extended to him. As a general rule, he attached more weight to the opinions of a jury expressed in their verdict founded upon evidence given upon oath than upon any opinions which might be founded upon statements subsequently given without the security of an oath or the sifting of a cross-examination, and he did not, therefore, feel disposed to advise the Crown to act in accordance with this memorial. The grounds upon which he had taken that step were that he had received, on the 25th of July, the following letter from the surgeon of Newgate—

> "I feel it my duty to state to your Lordship that the present condition of Jeremiah Smith, a prisoner here, is most critical. He is very feeble in every way, and he is now suffering from head-symptoms of a very serious character, threatening apoplexy. I consider his illness the more alarming on account of several members of his family having died from similar attacks, and I cannot answer for the effects of prolonged imprisonment on the prisoner, whose habits had previously been very active."

He felt that, although Mr. Smith might have been justly sentenced to a term of imprisonment, still he had not merited a sentence of death, and it was upon these grounds, and not in any way in connection with the opinion of the jury, that he had deemed it right to advise Her Majesty to grant a free pardon.

SIR JOHN SHELLEY said, he wished to ask the noble Lord whether, as he proposed to lay this certificate upon the table of the House, there would be any objection, at the same time, to produce the copies of any memorials received in favour of Mr. Jeremiah Smith, together with the names and addresses of the 10,000 persons who had signed them?

VISCOUNT PALMERSTON said, such a document, if printed, would equal in size two of the largest books upon the table. He thought it would be enough to say, that he had received petitions in favour of Mr. Smith from a great variety of quarters, and he also thought it right to say that he believed those petitions could not have reached him if there had not been an active canvass in procuring signatures.

THE DUBLIN MAIL SERVICE—QUESTION.

MR. VINCENT SCULLY said, he rose to ask the hon. Secretary of the Treasury the cause of the great delay and irregularity in the delivery of each of the three mails which should have left Dublin for London at 1 o'clock P.M. and 7 o'clock P.M. on Saturday, the 29th of July, and at 1 o'clock P.M. on Sunday, the 30th of July, as well as of similar delays which had occurred during the present Session; and whether it was the practice not to despatch letters and papers from Dublin to London on the Saturday, but to hold them over until the following Sunday?

MR. J. WILSON said, there were two mails daily from Dublin to London—on leaving Dublin at midday, the letters of which were delivered here early the following morning; and another which left in the evening, arriving in London and being delivered in the course of the next afternoon. The transmission of mails from Dublin on Saturdays would be of no public advantage, inasmuch as there was no Sunday delivery in London. The practice, therefore, was, to have no departure of mails from Dublin on Saturday, but the letters of that day left at one o'clock on Sunday by the day mail. On Sunday last the day mail, leaving Dublin at one o'clock, did not, in consequence of the unfavourable weather, arrive at Holyhead until after the departure of the train by which it should have been forwarded, so that the letters were detained until the second mail of Sunday night, and were delivered yesterday afternoon. The same occurrence had taken place only twice previously in the course of this year—the one occasioned by a similar cause, the badness of the weather, and the other in consequence of a break-down upon the Chester and Holyhead Railway.

THE NATIONAL GALLERY—QUESTION.

MR. DANBY SEYMOUR said, he wished to ask whether it was the intention of Her Majesty's Government to build a new gallery for the national collection of pictures; and, if so, whether the plans and designs for this gallery would be open to public competition, as in the case of the new Palace at Westminster; and whether it was the intention of Her Majesty's Government to take measures to collect the whole of the ancient pictures belonging to the nation, such as the Minden Gallery, and others recently purchased, into the National Gallery in Trafalgar Square; and whether this desirable object could be properly effected without giving notice to the Royal Academy that the apartments hitherto lent them would be required for the public service.

THE CHANCELLOR OF THE EXCHEQUER said, he believed it had been already stated in general terms by his noble Friend (Lord John Russell) that it was the intention of the Government to propose to Parliament to give them the means of building a new gallery for the national collection of pictures. With respect to the question as to whether the plans for this gallery would be open to public competition, the arrangements had not advanced so far with the consideration of the question as to enable him to answer that part of the hon. Gentleman's inquiry. With reference to the intention of Her Majesty's Government to take measures to collect the whole of the ancient pictures recently purchased into the National Gallery in Trafalgar Square, he was not able to give a very definite answer upon that subject. The pictures comprised in the Minden Gallery had been delayed for several weeks, on account of some misunderstanding connected with the persons sent to pack them, and they had not arrived a very long time in this country. At present, those pictures were deposited in one of the rooms in the basement of the National Gallery. He was not sure of the precise number, but it was somewhere about sixty. It was not intended that the whole of these pictures should be placed in the National Gallery, nor were they all worth being so placed; and the first question, therefore, was how many of these pictures were fit to become part of the national collection? That question was not yet decided, and the delay was owing to the suspended state of the question with regard to the management of the National Gallery, which had been under the consideration of the Government. Mr. Dyce, however, who himself went over to inspect this collection of pictures, was preparing a report on the subject to the trustees, giving his own opinion, which of course would form a foundation for the further consideration of the question as to the pictures which were fit to be included in the national collection. The other ancient pictures recently purchased were likewise at present in the basement rooms of the National Gallery. With respect to the question of bringing the collection of these pictures into the national collection, of course that was contemplated by the Government, and they were anxious to effect it at the earliest moment. Whether there was accommodation for these pictures in the present building in Trafalgar Square, so that the public might enjoy the sight of them, was a matter which had not yet been determined, and must depend in some degree upon the number of the pictures which would be retained. As to giving notice to the Royal Academy to vacate the portion of the building occupied by them, the Government had no intention of giving any such notice, or requiring them to vacate those premises.

The Chancellor of the Exchequer.

THE RUSSO-DUTCH LOAN.

LORD **DUDLEY STUART** rose to call the attention of the House to the termination of all obligation on the part of this country, in consequence of the conduct of Russia, to continue the payments on account of the Russo-Dutch Loan; and to move the following Resolutions—

"That the Treaty of Vienna stipulates that the navigation of rivers which separate or cross the States of Powers parties to the treaty, shall be entirely free along their whole course, from the point where each of them becomes navigable to its mouth, and that each State bordering on the rivers is to be at the expense of maintaining, through the extent of its territory, the necessary works in the channel of the river, in order that no obstacle may be experienced to the navigation.

"That it appears from official documents laid before this House that Russia has, notwithstanding the reiterated remonstrances of this country, wilfully neglected, for a series of years, the duty thus imposed upon her of maintaining the necessary works in the channel of the Danube, at the mouth of the Sulina branch, thereby violating the Treaty of Vienna, and seriously injuring the commerce of this country.

"That it appears by returns laid before Parliament, that there has already been paid from the British Treasury, towards the principal and for the interest of the debt called Russo-Dutch Loan, between the years 1816 and 1853, both inclusive, the sum of 47,975,000 florins, equal to 4,110,968*l.* 5*s.* 10*d.* sterling money, and that the liquidation of the remaining part of the Loan, as stipulated by the Act 2 and 3 *Will.* IV. c. 81, will require further annual payments from the British Treasury until the year 1915, amounting to 39,525,000 florins, equal to 3,386,889*l.* 9*s.* 2*d.* sterling money, making then the aggregate payment 7,291,666*l.*, and the average for each of the 100 years 74,978*l.* 11*s.* 6*d.*

"That the Convention of the 16th day of November, 1831, between His Majesty the King of Great Britain and Ireland and the Emperor of All the Russias, was made to explain the stipulations of the treaty between Great Britain, Russia, and the Netherlands, signed at London on the 19th day of May, 1815; and by that Convention it was agreed by Great Britain to secure to Russia the payment of a portion of her old Dutch debt, in 'consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion; arrangements which remain in full force.'

"That this House is therefore of opinion that Russia having withdrawn that adhesion, and those arrangements being through her act no longer in force, the payments from this country on account of that debt should be henceforth suspended."

The noble Lord proceeded to say that, in rising to move these Resolutions, he did not feel that he owed any apology to the House, except on the score of his own want of ability to do justice to the subject. He should have been well pleased had the subject fallen into the hands of some hon. Member of greater weight than himself. He had given every possible opportunity to other Members to take up the subject, for the Session was considerably advanced before he put any question to Her Majesty's Government relating to it; indeed, it was not until the 6th of May, five or six weeks after the declaration of war, that he ventured to do so; and it was not until a month after he had put the question, that, finding it was the wish of many hon. Members on both sides that the subject should be discussed, he had given notice of a Motion. He had been throughout, not only willing, but exceedingly anxious, to avoid obstructing the course of public business. The Motion was originally fixed for the 27th of June, and at the earnest request of the Government he had consented to take it off Supply, and had postponed it from time to time. The question was one which was deserving of the fullest discussion, inasmuch as it was one which affected both the pockets of the people and the character of the country. Upwards of 4,000,000*l.* sterling had been already paid on account of the Russo-Dutch Loan, and considerably more than 3,000,000*l.* remained to be paid; so that when the whole sum should have been paid, this country would have paid over to Russia little less than 7,500,000*l.* Those payments would not be completed till the year 1915, when their descendants indeed might be affected, but they themselves should all be in their graves. He knew not whether good reasons might be given for continuing those payments; he knew of none; but they owed it to the people of England to discuss the question. At a time when the people of this country were called on to make large sacrifices and submit to heavy burdens for the prosecution of the war, which they had come forward in the most spirited, creditable, and noble manner to sustain, they had a right to expect of the Government and of the House of Commons, as the guardians of the public purse, that they should inquire whether there was any real necessity for continuing to pay over large sums of money to the Power which was at war with us, and to call on them to state fairly, explicitly, and carefully what was the nature of those reasons. A further reason for bringing forward the Motion was the conduct of the noble Lord the President of the Council, who, in reply to a question he (Lord Dudley Stuart) had put to him on a previous occasion, gave one of those answers which Ministers were too apt to give when disagreeable or inconvenient questions were put to them, and the noble Lord not less than any of his colleagues. The answer, while appearing to reflect upon the person putting the question, in reality supplied no information whatever. He (Lord D. Stuart) asked the noble Lord whether, while we were at war with Russia, it was the intention of the Government to continue these payments, which would in point of fact supply to Russia the means of carrying on the war against us; and the noble Lord replied that it was the intention of the Government to adhere to the faith of treaties. He (Lord D. Stuart) thought that any other answer would have been more becoming and satisfactory. Had he said that he had given his serious attention to the subject since the breaking out of the war, and since the occurrence of the circumstances upon which the opinion that the payments ought not to be continued was grounded—or had he said that he would do so, and had afterwards given a deliberate, explicit, and intelligent answer—there might have been no occasion for the present Motion. But Ministers would never give their attention to these subjects unless they were forced upon them by the House of Commons; and hence the necessity of Motions like this. The noble Lord's answer certainly enunciated a very honourable and a very creditable sentiment—the determination to adhere to good faith; but he must beg to remind the noble Lord that he had no monopoly of that sentiment. He (Lord D. Stuart) was quite as anxious as the noble Lord could possibly be to keep faith with all. The perfidy of others could be no reason for our own dishonesty. But the question was, were we really bound in good faith to make those payments? By all means let us keep good faith with our enemies: even with a Power so hateful as Russia; but he believed that we were not bound to make these payments; and if not bound to make them, then the Government was bound not to make them. A proclamation had lately been published, in the Hanse Towns and other ports of the Baltic, warning all English subjects that if they advanced any money to the Emperor of Russia during the war they would be guilty of high treason; and in his (Lord D. Stuart's) opinion, if Ministers paid money to the Russian Government without being obliged to do so—without the faith of treaties requiring it—they would be in the same position, and would be guilty of high treason. He hoped to convince the House that we were not bound by good faith to make these payments; he did not wish for any one's vote who was not convinced that there was no obligation of good faith or honour in the matter; and if it could be proved that such an obligation existed, he would at once abandon the Motion. He wished to disabuse their minds of the notion that by withholding these payments we could be violating good faith towards individuals. The fact was that the public faith was in no degree engaged to the creditors—to those who held this stock. This loan was not contracted by England, nor guaranteed by England. It was contracted during the last century, about 1798 or 1799, by Russia, upon her own credit. It was called in the treaty of 1815, "her old Dutch debt," and England had never had anything to do with guaranteeing it. All England had done had been to agree to pay to Russia some equivalent for the interest of a portion of it, upon certain conditions. The 4th Article of the treaty under which these payments were made was to this effect: "*The Russian Government shall continue, as heretofore, to be security to the creditors for the whole of the said loan,* and shall be charged with the administration of the same, the Governments of the King of the Netherlands and of His Britannic Majesty remaining liable and bound *to the Government* of His Imperial Majesty each for the punctual discharge as above of the respective proportions of the said charge." This Article of the treaty proved that the British Government was not liable to the creditors, the holders of stock. That the creditors themselves did not consider the loan guaranteed by this country, was evident from the fact that though this was a five per cent stock, the price at Amsterdam was 98 or 99; while if it were guaranteed by this country there was no reason why it should not be considerably more than 100. And, no doubt, if these payments were withdrawn, the creditors would not suffer in the smallest degree. There were no such creditors in England; the stock was entirely unknown here. He had sent to the Stock Exchange to inquire about it; they knew nothing of it; its existence was almost denied; and he was obliged to write over to Amsterdam to obtain any information on the subject. But if any was held here, there was no apprehension that, if we discontinued these payments, Russia would refuse the dividend to the creditors. She could no more allege our refusal as a reason for doing so than she could rely on the general expenses of the war, or the blockade we carried on upon her coast. He should have no difficulty in believing that Russia might be capable of any enormity or any dishonesty; but he did not believe she would do a thing which would be inimical and ruinous to her own interests; for she was a country constantly requiring loans, and if she withheld the payment of dividends on any such ground as this, she would strike a deadly blow at her own credit, and would never be able to obtain another loan. If there were any breach of faith—which he utterly denied—in withdrawing these payments, it would not be a breach of faith as regarded individuals, but, if at all, as regarded the Russian Government.

Now, to ascertain whether we were bound in good faith to continue these payments, we must go back to the treaties made at the conclusion of the great war in 1814. By the Treaty of Chaumont, between the four Allied Powers, England, Austria, Russia, and Prussia, signed on the 1st of March, 1814, those Powers bound themselves to maintain an army of 600,000 men to carry on the war. That treaty led to the abdication of Fontainbleau, also to the withdrawal of the French troops from Holland, and ultimately to the union of Belgium with Holland; which was finally settled by the Treaty of Paris, signed on the 30th of May, 1814. Then came the question how the expenses of the war were to be defrayed; and it was arranged that all the States which had benefited by the war should contribute to those expenses. Holland was one of these countries, she not only having regained the territories taken from her, but having acquired a very considerable accession of territory, the whole of Belgium. Subsequent treaties showed that the quota which Holland was to contribute was fixed at 50,000,000 of florins, or, as I will call it for convenience, 5,000,000*l.* sterling. Then a Convention was signed between England and Holland on the 13th August, 1814, by which it was arranged that, in consideration of Holland ceding to England certain colonies which had been taken by France, and retaken by the arms of England, England should make certain payments to Holland. If England had acted after the fashion of Russia at the Congress of Vienna, she would have insisted upon the *uti possi-*

Lord D. Stuart

detis, and have kept all the possessions she had seized without making any compensation whatever. Instead of that she took quite another course; she entered into one of the most improvident, extravagant, and profligate bargains that was ever made by any State, and agreed to pay for those colonies—the Cape of Good Hope, Demerara, Essequibo, and Berbice—so many millions of money, whereas they were not worth so many hundreds of thousands, perhaps not so many shillings. Those colonies produced us nothing except the Cape, which certainly had produced something—a long, dangerous, difficult, and bloody war, that cost this country 2,000,000*l.* There were great debates in both Houses when these payments were settled; Lord Grey declared that he considered these colonies utterly worthless, and that, had he been a Minister, he would not have accepted them at a gift. Nevertheless, we had entered into the bargain, made the agreement, and as honest men must stand to it. That Convention settled that 1,000,000*l.* sterling was to be paid to Holland, and should be paid over under the authority of the treaty of the 30th of May, 1814, to Sweden; that 2,000,000*l.* more were to be paid by this country to Holland, to be employed, in conjunction with an equal sum, in improving the defences of the Low Countries; and that a further sum, not then defined, should be paid, but which was not to exceed 3,000,000*l.* on the part of England, and which was to be laid out in such a manner as might be agreed upon between England and Holland, and their allies, and this also for the benefit of Holland. Then came a new transaction. Russia was unwilling to accede to the arrangements of the Congress of Vienna. Probably the difficulty arose with regard to provisions for maintaining the nationality of Poland, the object of such sincere regard to Lord Castlereagh, and which had been observed with such scrupulous good faith by the Emperor of Russia. However that might be, the Allied Powers agreed to purchase the consent of Russia by waiving in her favour their claims upon Holland. Russia thereupon withdrew her objections, agreed to the Treaty of Vienna, and she got the Dutch contribution to the expenses of the war, or rather got the sanction of the four Powers to her claim. In plain words she got 5,000,000*l.* sterling for agreeing to adhere to the Treaty of Vienna. To carry this plan into effect, England, Holland, and Russia, entered into a joint Convention on the 19th of May, 1815, by which Holland agreed to pay to Russia 2,500,000*l.*, the half of her quota towards the expenses of the war; the other half she agreed to pay in another manner. Under the treaty of 1814 she had a claim upon England to an amount not to exceed 3,000,000*l.* Holland agreed, instead of paying the remaining half of her quota to the Allied Powers, to place this sum at their disposal; and, pursuant to an arrangement with them, England bound herself to pay this sum to Russia, instead of to Holland. Thus Holland was completely paid for her colonies; 3,000,000*l.* she received down, and the quota actually payable by her to Russia was reduced from 5,000,000*l.* to 2,500,000*l.*; thus benefiting her in the whole by 5,500,000*l.* Therefore, no question could arise as to England keeping good faith with regard to Holland. Then, in what situation were we with regard to Russia? She was to receive the whole of the quota to be paid by Holland for the war; this was by agreement with the four Powers. Without this agreement she would not have had a right to the whole, only to a proportion of it; but it was arranged that she should receive the whole—half from Holland and half from England—on condition of her agreeing to the arrangements of the Treaty of Vienna. The particular mode of payment was this: Russia had fifteen years previously contracted a loan in Holland in the usual way, through the house of Hope and Co., of Amsterdam. Holland and England each undertook to pay to the agent of the Russian Government in Holland a sum equal to the interest of a portion of the loan—about 5,000,000*l.* sterling. England and Holland were each to pay one-half of the interest on this amount, together with certain annual instalments, in liquidation of the principal. Russia was thus to be benefited to the extent of 5,000,000*l.* sterling. Those payments were to extend over a period of 100 years. Why was this? Was it not clear from this circumstance that they had reference to something that was to be done by Russia, not only at that time, but something that Russia was to continue to do for the next century? That was, Russia was to continue, for at least 100 years, to adhere to the general arrangements of the Treaty of Vienna. Another condition, and a very important one, was attached to these payments—the continuance of the union of Belgium and Holland. The 5th Article provided as follows—

> "It is hereby understood and agreed between the high contracting Parties that the said payments on the part of their Majesties the King of the Netherlands and the King of Great Britain, as aforesaid, shall cease and determine, should the possession and sovereignty (which God forbid) of the Belgick Provinces at any time pass or be severed from the dominions of His Majesty the King of the Netherlands previous to the complete liquidation of the same."

In 1830, events arose which occasioned the separation of Belgium from Holland; and when that took place the payments could no longer be made conformably to the letter of the Convention. But as it was felt that Russia had in no degree been instrumental in producing this change of circumstances, but on the contrary, as it was notorious that the separation was extremely disagreeable to Russia, and that Russia had even gone the length of offering to employ an army of 60,000 men to prevent Belgium being separated from Holland, it was thought that it would be extremely unfair and unjust to take advantage of those circumstances in order to withhold the payment from Russia—though certainly, according to the letter of the treaty, that payment might have been withheld, and, in point of fact, could not be continued. A new Convention was accordingly entered into between Russia and England, which stipulated that the payments, notwithstanding the new circumstances of Belgium and Holland, should be continued. Great debates arose on the subject in both Houses of Parliament, and all the most distinguished men of that day took part in them. It was objected by some that the Government was not justified in making these payments under the new Convention until it had received the sanction of Parliament; and Lord Grenville, then the Auditor of the Exchequer, felt this so strongly that he refused to issue the money until he received a sufficient authority. The Government thought they had a right to continue the payments without any Act of Parliament; but at length, after very long, stormy, and acrimonious debates, Lord Althorp, the Chancellor of the Exchequer of that day, acknowledged that he was wrong; the payments were suspended, and a Bill was brought into Parliament and received the Royal Assent sanctioning their renewal. The Convention then entered into was signed on the 16th November, 1831; it was made to explain the original treaties, and a correspondence was also laid upon the table of the House which was intended to explain the explanation. The Convention was as follows—

> "Their Majesties the King of the United Kingdom of Great Britain and Ireland, and the Emperor of All the Russias, considering that the events which have occurred in the United Kingdom of the Netherlands, since the year 1830, have rendered it necessary that the Courts of Great Britain and Russia should examine the stipulations of their Convention of the 19th May, 1815, as well as of the additional Article annexed thereto; considering that such examination has led the two high contracting Parties to the conclusion that complete agreement does not exist between the letter and the spirit of that Convention, when regarded in connection with the circumstances which have attended the separation that has taken place between the two principal divisions of the United Kingdom of the Netherlands; but that, on referring to the object of the abovementioned Convention of the 19th of May, 1815, it appears that that object was to afford to Great Britain a guarantee that Russia would, on all questions concerning Belgium, identify her policy with that which the Court of London had deemed the best adapted for the maintenance of a just balance of power in Europe; and, on the other hand, to secure to Russia the payment of a portion of her old Dutch debt, *in consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion, arrangements which remain in full force:* their said Majesties being desirous at the present moment, that the same principles should continue to govern their relations with each other, and that the special tie which the Convention of the 19th of May, 1815, had formed between the two Courts, should be maintained, have for this purpose named as their Plenipotentiaries—and so on.
>
> "Article 1. In virtue of the considerations above specified, His Britannic Majesty engages to recommend to his Parliament to enable him to undertake to continue, on his part, the payments stipulated in the Convention of the 19th of May, 1815, according to the mode, and until the completion of the sum fixed for Great Britain in the said Convention."

Some very remarkable documents had also been laid on the table of the House, the chief of which was the statement of the agents of Russia herself on this subject—her own explanation of the treaty. The Russian Plenipotentiary, in 1831, addressed the following statement to Viscount Palmerston—

> "The actual separation of Belgium from Holland has not changed the position in which Russia and Great Britain stood towards each other, at the time of the signature of the Convention of the 19th of May, 1815. Of this, the preamble of that Act affords the best proof. It is therein stated, that 'His Majesty the King of the Netherlands being desirous, upon the final union of the Belgic Provinces with Holland, to render to the Allied Powers who were parties to the treaty concluded at Chaumont on the 1st March, 1814, a suitable return for the heavy expenses incurred by them in delivering the said territories from the power of the enemy; and the said Powers having, in consideration of arrangements made with each other, mutually agreed to waive their several pretensions under this head in favour of His Majesty

the Emperor of All the Russias, His said Majesty the King of the Netherlands has thereupon resolved to proceed immediately to execute with His Imperial Majesty a Convention to the following effect, to which His Britannic Majesty agrees to be a party, in pursuance of engagements taken by His said Majesty with the King of the Netherlands, in a Convention signed at London on the 13th August, 1814.' It was impossible to define more clearly the position of the three contracting Courts. The King of the Netherlands charged himself with the payment of the expenses incurred in the deliverance of the Provinces, the possession of which had devolved upon him. Russia, Great Britain, Austria, and Prussia, the Allied Powers who were parties to the Treaty of Chaumont, in consideration, therefore, not of the union of the Belgian Provinces to Holland,* but of arrangements concluded amongst themselves, renounced all claims to the repayment of the expenses incurred in the deliverance of the said Provinces in favour of one of these Powers exclusively—namely, of Russia. Finally, Great Britain consented to become one of the contracting parties, in consequence of previous engagements made by her towards his Majesty the King of the Netherlands, on the 13th of August, 1814. Now, what were the arrangements between the Powers who were parties to the Treaty of Chaumont at the period at which the Convention of 19th of May, 1815, was concluded at London? *They were the general arrangements of the Congress of Vienna, which had just then terminated. In consideration of the facilities which Russia afforded to these arrangements, her allies ceded to her all the pecuniary pretensions to which the deliverance of the Belgian Provinces had given rise.* It necessarily follows that these facilities were real and important, as they were made the ground of her liberation from a considerable debt. And what were the prior engagements of the 13th August, 1814, which caused Great Britain to become a contracting Party to the Convention of 19th May, 1815? They were the engagements which we find in the first of the Additional Articles of the Convention signed the 13th August, 1814, between Great Britain and the Netherlands. This article provides, amongst other engagements of Great Britain, 'to bear equally with Holland such further charges as may be agreed upon between the said high contracting Parties and their allies, towards the final and satisfactory settlement of the Low Countries in union with Holland, and under the dominion of the House of Orange, not exceeding in the whole the sum of 3,000,000*l.* to be defrayed by Great Britain.' In consideration of the above engagements, the Cape of Good Hope, Demerara, Essequibo, and Berbice, were ceded to Great Britain. Great Britain had then, on the 13th of August, 1814, contracted an unconditional obligation of sharing with Holland, to the extent of 3,000,000*l.* sterling, the charges which burdened the future kingdom of the Netherlands; and this obligation was not gratuitous, for, in exchange, Great Britain obtained the cession of the Cape of Good Hope, Demerara, and Essequibo, and the Island of Berbice. The Convention of the 19th May, 1815, was, as its preamble proves, as cited above, the effect of this transaction. *From whence it results, that Russia obtained the cession of the pretensions which the signing Powers of the Treaty of Chaumont had to put forward at the expense of the prince who should possess Belgium, in consideration of the divers arrangements that it had made with those Powers at the Congress of Vienna,* and that England contracted the obligation of satisfying these pretensions to the extent of 25,000,000 of Dutch florins (about 2,000,000*l.*), in consideration of the cession that had been made of the four colonies. *The divers arrangements of the Congress of Vienna, by which Russia acquired the pretensions above mentioned, remain in all their force, notwithstanding the present position of Belgium.* Upon what ground, then, could Russia be deprived of the compensation at which those arrangements have been valued to her?"

The Russian Plenipotentiary thus sums up this most remarkable and very able memoir:—

"After having proved, first, that the case in which the effect of that Convention would cease has not occurred; secondly, *that the arrangements by which Russia rendered facilities which had given her the benefit of the said Convention still exist;* thirdly, that Great Britain is in possession of the colonies which she acquired in taking upon herself the obligations which the Convention of 19th May, 1815, impose upon her—the Russian Plenipotentiaries would think that they did not form a just idea of the principles and of the fidelity which always preside over the acts of the Government of His Britannic Majesty, if they were not firmly convinced that the payments established by the Convention, of which they invoke the spirit and the letter, will be made in future as they have been hitherto made."

After this it was impossible for Russia to deny that the condition of these payments was her continued adherence to the general arrangements of the Treaty of Vienna. She might, indeed, and probably —with that regard to truth so aptly pourtrayed by the noble Lord the Home Secretary in reference to recent transactions— would, in the face of facts, deny any violation on her part of the Treaty of Vienna; but she could not possibly deny that the consideration for which this money was paid to her was a continued adherence to the Treaty of Vienna, that being admitted in documents signed by her own Plenipotentiaries. He did not think this had ever been denied in the British Parliament, indeed it had been admitted in a long and interesting debate which took place some time ago on the subject. In 1847 his hon. Friend the Member for Montrose (Mr.

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* "The treaties prove the correctness of this assertion. It was by the Treaty of Paris of May 30, 1814, that the union of Belgium to Holland was irrevocably decided upon. It did not, and could not, therefore, give rise to any discussion at the Congress of Vienna. Difficulties arose at this Congress on other points. Russia abandoned its demands on those points, and to compensate her for her sacrifices, the Allies resolved to facilitate to her the payment of her ancient Dutch debt."

Hume) moved a Resolution identical with that which he now proposed to lay before the House—with this difference only, that on that occasion his hon. Friend based his Motion on the annexation of Cracow, which was a gross violation of the Treaty of Vienna, while, in this instance, the violation of the treaty consisted in the obstruction of the navigation of the Danube. In that debate, which lasted three days, the right hon. Gentleman the Member for Buckinghamshire and the late Lord George Bentinck endeavoured to maintain by very ingenious, but in his (Lord D. Stuart's) opinion very fallacious arguments, that the annexation of Cracow formed no violation of the Treaty of Vienna; but here there could be no doubt that a violation of the treaty had been committed, and therefore if he did not obtain the right hon. Gentleman's vote, at all events he hoped he should not meet with his opposition. The Motion of the hon. Member for Montrose was also resisted by the noble Lord the Leader of the House, and he gave a great many reasons against it—reasons founded upon policy—reasons founded upon expediency—reasons founded upon the want of dignity in England resisting the annexation of Cracow, by discontinuing these payments, unless she were prepared to go further and actually to declare war against Russia—but the noble Lord had only one reason to give against the argument that these payments depended upon the adherence of Russia to the general arrangements of the Treaty of Vienna. The noble Lord said that Russia had not violated the arrangement contained in the Treaty of Vienna as regarded the union of Holland and Belgium—a reason that, in fact, amounted to this: that the noble Lord considered the general arrangements of the Treaty of Vienna should be held to mean not a general arrangement, but a particular arrangement, having reference only to Holland and Belgium. But that could not be, because the Convention of 1831 particularly stated "the general arrangements of the Treaty of Vienna, *which remain in full force.*" Now, the arrangements of the Treaty of Vienna with regard to Holland and Belgium assuredly did not then remain in full force, because they had been entirely abrogated and swept away; and the very thing which made it necessary to enter into a new Convention on the subject was that all those arrangements had absolutely terminated. The noble Lord the Secretary of State for the Home Department, who was then Foreign Secretary, had also a great many reasons to give against the Motion; but, like his noble colleague, he had only one reason to state against the position that these payments depended upon the adherence of Russia to the general arrangements of the Treaty of Vienna. His reason was not the same as that of his noble colleague. He said that he could not conceive that the violation of a single article of the treaty would be sufficient to justify us in withholding payment of the money. Now, he must say that the noble Lord, with all his great ability and his perfect familiarity with treaties and international law, was certainly very hard pressed when he had no other reason to give than that, because he believed the opinion which the noble Lord expressed—that the violation of one article of a treaty was not sufficient to vitiate the whole arrangement, was entirely at variance with that of all the great authorities upon international law, and of all jurists who had touched upon the subject. For instance, in Vattel's "Law of Nations," book ii. chap. xiii. sec. 202, he found this passage, bearing upon this very point, namely:—

> "We cannot consider the several articles of the same treaty as so many distinct and independent treaties; for though we do not see any immediate connection between some of those articles, they are all connected by this common relation, namely, that the contracting Powers have agreed to some of them in consideration of the others, and by way of compensation. I would, perhaps, never have consented to this article, if my ally had not granted me another, which, in its own nature, has no relation to it. Everything, therefore, which is comprehended in the same treaty is of the same force and nature as a reciprocal promise, unless where a formal exception is made to the contrary. Grotius very properly observes, that 'Every article of a treaty carries with it a condition, by the non-performance of which the treaty is wholly cancelled.'"

Again, in "Wildman's International Law," vol. i. page 174, he found this passage:—

> "A treaty is an entire contract. All its articles are dependent, and have the force of conditions, so that the violation of any one of them is a violation of the whole treaty, and renders it voidable at the option of the party injured."

It was natural, however, that Ministers of State and diplomatists should allow their opinions, to a certain degree, to be biassed by political considerations. We must always expect that; but he would quote an opinion on this subject of a learned gentleman, who was considered to be a great authority in these matters. It was a professional opinion, given professionally upon this very subject. He referred to Dr. Addams, who had given this opinion upon this very treaty:—

"It is obvious that upon the separation of Holland and the Netherlands, consequent upon the revolution of September, 1830, it ceased to be obligatory on Great Britain to make any further payments on account of the Russian-Dutch loan, in virtue of the Convention of May, 1815—according to the letter of that Convention—though it was said or intimated that obligation still subsisted, according to the spirit of the Convention. But whether Russia could or could not, founding upon the spirit, as against the letter of the Convention, have justly insisted on such further payments, is a question that merged, upon the execution of the Convention of November, 1831, between Great Britain and Russia, and it is upon this latter Convention that it is now obligatory on Great Britain (if at all) to make any such further payments. Now, in the Convention of November, 1831 (executed by the two Powers), the object of the Convention of 1815 is recited to have been to afford Great Britain a guarantee that Russia would observe a certain policy on all questions respecting Belgium, on the one hand, and, on the other, to secure to Russia the payment of a portion of her old Dutch debt, in consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion, arrangements which (says the Convention) still remain in full force. And it is in virtue of this special consideration (Convention of 1831, Article 1) that Great Britain undertakes to continue on her part the payments stipulated in the Convention of May, 1815. It seems to me that the phrase 'arrangements which still remain in full force' pretty plainly implies that if such arrangements had not remained in full force, at any rate through any fault or delinquency on the part of Russia, Great Britain would have declined to enter into such latter Convention. And the language of the whole Convention, according to the true interpretation of it, in my humble judgment, is identical in import with this, that Great Britain undertakes to continue the payments in consideration of Russia maintaining, or by reason that she does maintain, these general arrangements of the Congress of Vienna, to which she was originally a party at the time of the holding of such Congress in 1815. And this being so, it also seems to me that a breach or violation of those general arrangements in any material part, though the fault or delinquency of Russia, plainly releases Great Britain from that continuing obligation which she took upon herself, under the Convention of November, 1831, in consideration or by reason of Russia maintaining such general arrangements."

Well, now the noble Lord spoke of there being only one article of the Treaty of Vienna which Russia had violated; but so far from that being the case, it would hardly be too much to say that Russia had violated almost every article of the treaty. She had violated the first article, which gave a constitution to Poland; in fact she never adhered to it, but took the very first opportunity of entirely overthrowing that constitution. The conduct of Russia, however, with regard to Poland, was too well known for it to be necessary that he should dwell upon it. It had been remonstrated against by this country, on the ground that it was a violation of the Treaty of Vienna. Then there was her conduct with regard to Cracow, which had also been made the subject of a formal protest on the part of this country; and now he would show that there had been another serious and systematic violation of that treaty since this subject was discussed last in the House by Russia, with regard to the navigation of the Danube. There had been a wilful, deliberate, and long-continued departure from the stipulations of the Treaty of Vienna with regard to that river, in defiance of reiterated remonstrances addressed to her by the Powers who were parties to that treaty, and to the palpable and serious detriment of British trade and commerce. That proposition was abundantly proved by the correspondence which had been laid on the table, and to which he was about briefly to refer. He might observe in the first instance that the correspondence extended over a space of four years—namely, from the autumn of 1849, down to within a few months of the breaking out of the war between Russia and Turkey. The first despatch was dated October 17, 1849, and was addressed by Lord Palmerston to Lord Bloomfield as follows—

"Foreign Office, Oct. 17, 1849.

"My Lord,—I have to acquaint your Lordship that I approve of the representation which, as reported in his despatch of the 2nd instant, Mr. Buchanan made to M. Seniavine relative to the Sulina mouth of the Danube; and I have to instruct you to point out to the Russian Minister that what is required for the purposes of commerce is, not only that the accumulating shoals at that mouth of the Danube should be dredged, so as to deepen the channel, but also that the remains of vessels which have been there wrecked should be removed, it being stated that some of these wrecks still remain in the water-way, and form dangerous obstructions to the navigation. I am, &c. (Signed) "Palmerston."

The reply was in these terms—

"St. Petersburg, Oct. 30, 1849.

"My Lord,—At an interview which I had yesterday with Count Nesselrode, I stated to his Excellency, in conformity with your Lordship's instructions, the wishes of Her Majesty's Government respecting the removal of the impediments to commerce which now exist in the Sulina mouth of the Danube, and I especially observed to the Chancellor that great advantage would result to the navigation of that part of the river from the removal of the wrecks which now obstruct the passage. Count Nesselrode replied that orders had been given to the local authorities which he hoped would in the end prove satisfactory to Her Majesty's Government, but that all that was required could not be effected as speedily as we seemed to expect. I rejoined that your Lordship had frequently, and even long before I came to Russia, called the attention of the Imperial Government to the defective state of the navigation at the Sulina mouth, and therefore it was not to be wondered at if we feared further procrastination. I then left with the Chancellor a copy of your Lordship's despatch of the 17th instant, conceiving that it might be advisable to record the wishes of Her Majesty's Government on this subject in a more formal manner than could be done in a mere conversation.—I have, &c.,

(Signed) "BLOOMFIELD."

So that, in 1849, it was made a subject of accusation against Russia. The next despatch to which he would refer was addressed by Vice Consul Cunningham to Sir Stratford Canning, and it was as follows—

"Galatz, Sept. 14, 1850.

"Sir,—The steamer from Constantinople has arrived, and I have informed myself particularly regarding the depth of water on the bar of Sulina; it is reported to be decreasing, and that there is now less than eight feet Venetian, or very little over nine feet English. There can be no doubt that it is very easy to keep the water on the Sulina bar at fourteen feet English, by merely stirring the mud. While the Turks had possession of the Sulina, they kept the water on the bar at fourteen feet English, and, it is said, even fourteen feet Venetian, or sixteen and a half feet English, without incurring the slightest expense, by merely making every vessel going out of the river drag a heavy iron rake after her over the bar. These rakes still exist at Sulina, or at least did so some years ago, as I myself have seen them there. To my knowledge, fifteen years ago, English vessels went out of the Danube, drawing between fourteen and fifteen feet water. It is also to my knowledge that about ten years ago nearly 100 vessels of different nations were detained in Sulina waiting an opportunity of going out, and the masters agreed among themselves to endeavour to deepen the bar; whereon the boats and crews of all the vessels went one day to the bar, and, merely with boat-hooks, or what else they had on board of the vessels, they in one day considerably deepened the bar—I cannot at present say to what extent; my impression is that it was to nearly a foot. It is quite certain that nothing is wanted but to keep stirring the mud; the only question is, who is to stir the mud, and who is to pay the expense. The expense, however, cannot be great. As to what the Russian captain of a steamer pretends to have discovered, that the bar is of stone, and not of mud, it is quite certain there cannot be any stone within sixteen feet English of the surface of the water; once that depth is obtained, it is time to consider whether a greater depth is required, and a charge of gunpowder, properly applied, will easily make twenty feet of water. The difference of nine feet on the bar of Sulina, in comparison of eleven, will cause an expense to British trade and shipping of at least 30,000*l.* sterling this autumn.—I have, &c. (signed)

"CHARLES CUNNINGHAM."

The Vice Consul also inclosed a table, stating the number of vessels, British and others, which departed from Galatz during a series of years, and from this table it appeared that in 1843 there were seven British vessels cleared out, while in 1849 the number had increased to 128, and the number of vessels of all nations to 297. The number of tons in 1843 was 1,432; in 1849 it had reached to 85,370. See how immensely this trade was increasing, and what great importance it would have been to the commerce of this country, if it had not been the policy of the Emperor of Russia to cause the mouth of the Danube to be obstructed, in order, as much as possible, to turn the course of trade towards his own port of Odessa. The next despatch he would read was from Vice Consul Lloyd to Lord Stratford de Redcliffe, dated 4th June, 1853, which contained this passage—

"Vessels outward bound, which had lightened to ten feet water, and had been, during the contrary wind, accumulating at Sulina, waiting for the first change of wind to go out, have found themselves unable to proceed, all the lighters being engaged. This has happened to a remarkable extent the last few days; there had been ten feet water, as usual, on the bar; but the wind being easterly, the vessels accumulated at Sulina; on a change of wind, there was found to be but eight feet water, and the Austrian weekly steamer from Constantinople, with goods and passengers for the Danube, having arrived off the bar last Thursday, the 2nd instant, was unable to enter the river, the passengers having nearly all landed here, unable to proceed, and greatly embarrassed for want of accommodation, the steamer having discharged her cargo into vessels employed as lighters, but still unable to pass the bar. Yesterday, the 3rd, the wind shifted to the west, and the bar was tolerably smooth, but there was only eight and a half English feet upon it; there is an immense number of vessels here outward bound; indeed, the river is crowded with them for a couple of miles, and about five and twenty English vessels in the number, none lightened sufficiently to go out, and many not at all, and every lighter in the place, or free vessel engaged as lighter, already taken up."

On the 15th July, 1853, Sir H. Seymour writes in these terms to the Earl of Clarendon—

"In obedience to the orders contained in your Lordship's despatch of the 5th instant, I have taken the earliest opportunity which presented itself for representing to Count Nesselrode the grievous injury inflicted upon English navigation, as upon that of other countries, by the neglect of the ordinary precautions necessary for clearing away the obstacles which are allowed to obstruct the Sulina pass. A few references to the despatch addressed by Mr. Vice Consul Lloyd were sufficient to establish the urgency of a remedy for the evil complained of being provided by the Russian

> Government, and I must say that the statement appeared to produce considerable effect upon the Chancellor, and his Excellency assured me that the matter should be carefully examined. I have thought it advisable to communicate Mr. Vice Consul Lloyd's despatches to Baron Lebzeltern, the Austrian mission having been repeatedly enjoined to make representations upon the subject, of such deep interest to all countries trading on the Danube."

So that it would be seen that not only British interests, but the interests of other countries, had been injured by these improper proceedings of Russia. Well, now, having shown beyond all dispute that the Danube had been obstructed, it remained for him to show that the obstruction was a violation of the Treaty of Vienna, and for that purpose he must refer shortly to the treaty itself. There were several articles in the Treaty of Vienna referring to rivers, and their provisions were these—

> "Art. 108. The Powers whose States are separated or crossed by the same navigable river, engage to regulate, by common consent, all that regards its navigation.—Art. 109. The navigation of the rivers along their whole course referred to in the preceding article from the point where each of them becomes navigable to its mouth, shall be entirely free.—Art. 113. Each State bordering on the rivers is to be at the expense of keeping in good repair the towing paths which pass through its territory, and of maintaining the necessary works through the same extent in the channels of the river in order that no obstacle may be experienced to the navigation."

It was perfectly true that at the time this treaty was signed the Danube did not come under the description which was here given of rivers. At that time the Sulina mouth of the Danube was not in the possession of Russia; but although the noble Earl at the head of the Government had stated in another place that Russia, by the Treaty of Adrianople, had acquired no territorial possessions in Europe whatever, it was, nevertheless, true that, by the Treaty of Adrianople, she did acquire possession of the Delta of the Danube, which she had not before. That was a position of no trifling importance, because it had enabled Russia to work injury to our trade; and Russia had otherwise reaped the fruits of her bad faith, because she had rendered the river impassable at its mouth, so that England had not been able, until very lately, to send a vessel of war up the Danube, which, if she had done, she might have given important co-operation to Turkey in the campaign against Russia, and might possibly have prevented the Russian army from passing into Bulgaria at all. But although the Sulina mouth did not come under the description he had read, it had, nevertheless, been held by cabinets and diplomatists that these articles were of so general a nature, that they must be held to be applicable to any river which might, in the course of time, come under the description given in these articles. This also showed that the arrangements of the Treaty of Vienna as to rivers were general arrangements, since they were to take effect not only at the time the treaty was made, but in all times to come. If he wanted any support for that opinion, he had only to refer to a despatch written upon this subject by the noble Lord the Secretary of State for the Home Department when he was at the Foreign Office. The noble Lord stated in distinct terms his opinion upon the subject in a despatch dated October 4, 1850, and addressed by him to Lord Bloomfield, as follows—

> "Foreign Office, October 4, 1850.
>
> "My Lord—With reference to my despatch of the 2nd instant, instructing you to remind the Russian Government of its promise to take measures for clearing the Sulina channel of the Danube, I inclose, for your Lordship's information, a copy of a further despatch from the British Vice Consul at Galatz, stating the injury which the present state of that channel occasions to commerce, and the measures by which, at a trifling expense, the channel might be deepened. I have to instruct your Lordship to communicate to the Russian Government the substance of the inclosed despatch, and to express the earnest hope of Her Majesty's Government that the Russian Government will feel that it is not right that its possession of the mouth of the river, the navigation of which ought, *by the stipulations of the Treaty of Vienna*, to be free and accessible to the commerce of all nations, should become the means of obstructing the navigation of that river, and of virtually shutting out from it a large portion of the commerce which would otherwise pass up and down its channel.—I am, &c.
>
> (Signed) "PALMERSTON."

Then Lord Bloomfield shortly afterwards states—

> "St. Petersburg, October 22, 1850.
>
> "In pursuance of the instructions contained in your Lordship's despatches of the 2nd and of the 4th instant, respecting the obstructions in the Sulina channel of the Danube, I last week drew the attention of M. Séniavine to the dilatory proceedings of the Russian authorities in Bessarabia in carrying out the intention which the Imperial Government had so frequently expressed to me of deepening the channel and rendering it navigable for vessels of large burthen. I read to his Excellency your Lordship's two above-mentioned despatches, and begged him especially to remark the severe loss to which our trade had been subjected."

It would be seen from this correspondence that the Government of England had always maintained that the conduct of Russia with regard to the Danube was a violation of the Treaty of Vienna, while the Russian diplomatists themselves had never attempted to contest that position; it was clear, then, that they could not, or they would have been the first to say—"Although we are ready to do what you desire, we must at the same time protest against the reasons which you give for calling upon us to do so." But they did not say that, and therefore he was justified in contending that the position he laid down was admitted by Russia as well as by the British Government. But, after all, those with whom he had to deal were Her Majesty's Government; and the way he put the matter to the Government was this—"How can you, when you state that what Russia has done is a violation of the Treaty of Vienna, how can you take the money of the people of England and give it to Russia when it is only payable to her upon the condition that she shall adhere to the Treaty of Vienna?" That was the case he had to put before the House, though he thought there were other reasons that might be urged for withholding this money from Russia. It might be justified on two other grounds. He thought, firstly, that inasmuch as Russia had failed in her duty towards us, we should be perfectly justified by the doctrine of reprisals, even if we were at peace, in withholding the money; we should be perfectly justified in saying to Russia, "You have not done your duty with regard to the Danube, and thereby you have injured our commerce and inflicted disadvantages upon us. Without reference, therefore, to the special conditions of the treaty, we will make reprisals upon you by not paying you money which you are entitled to under this treaty." That course would be perfectly justifiable, because the highest authorities upon international law allowed, that the breaking of one treaty was quite sufficient to justify the violation of another by the country first aggrieved. Secondly, it might be perfectly well urged that the war was a sufficient excuse for withholding the money, because it abrogated all treaties. It was perfectly true that in the general treaty of 1815 there was an article expressly providing that these payments should continue, even in a state of war; but that which legalised these payments was not the treaty of 1815, but, as stated in the opinion of Dr. Addams, it was the subsequent Convention of 1831, and that Convention did not repeat the article about continuing the payments in a time of war. These two reasons ought to be taken into consideration, but he confessed that he did not wish to rest his case upon them; he wished rather to argue it as if we were at peace, and upon grounds irrespective of the war, namely, upon the ground that the conditions upon which we stipulated to pay the money not having been fulfilled, we were conscientiously justified in withholding it. Now, he was supposed to be a most violent and most reckless enemy of Russia. Some people, indeed, went the length of supposing that there was nothing he would not do in order to carry out his hostility to that Power. Well, it was perfectly true that he entertained strong convictions on the subject of Russia; and he had never concealed them; on the contrary, he had spent the whole of his life in proclaiming them, and the opinions which he held had come very much to be entertained by the country and the noble Lord the President of the Council; at the same time, he had no wish to take any unfair advantage of Russia, nor did he wish to recommend any course to be taken towards her which was not strictly founded in equity and justice. He had shown that the claims of Russia to this money arose out of the circumstance of her allies waiving certain of their rights, and that upon the faith of that surrender, Russia obtained her claim to this money, but the conditions upon which she obtained it being violated, her claim had disappeared, and so disappearing, the claim, or rather the money, reverted to those who were originally entitled to it. These were the four Powers who signed the Treaty of Chaumont; no doubt Russia was one of these, and on that account she might have a claim to a portion of the money, though not to the whole. If that were so, he should be quite prepared to agree that the money should be invested until such time as it should be decided by the other Powers what proportion might be due to Russia; and if the House assented to the Resolutions he was now proposing, he should be ready to move another, which he had already proposed, to that effect. It should be remembered, however, that Russia, having received more than half of the whole, could hardly be entitled to much of the residue. However, he did not bring this subject forward from motives of economy alone; he did not say that the adoption of his Motion would produce a great saving of money, but at least it would relieve the country from the absurdity of supplying the enemy with means to enable him to carry on the war, while it would also relieve her from the degrading position which she had now so many years occupied, of having to pay tribute to Russia. The noble Lord concluded by moving his Resolutions.

Mr. DIGBY SEYMOUR seconded the Motion.

Sir WILLIAM MOLESWORTH: The noble Lord the Member for Marylebone (Lord D. Stuart) commenced his speech by saying that the question raised by his Motion is one which affects the character of this House. I agree with him. I think the question raised by his Motion will very injuriously affect the character of this House, if it should be carried. For what is the object of the Motion? It is expressed in the last words of the noble Lord's Resolutions, that the payments from this country to Russia on account of the Russian-Dutch debt should be henceforth suspended. Now, to suspend the payment of a debt is the usual and polite phrase which debtors adopt when they make the disagreeable fact known to their creditors that they are not going to pay their debts. Those who do not pay their debts are of two classes. The first are those who cannot pay, and they are called bankrupts; the second are those who will not pay, and they are called repudiators. The noble Lord proposes that we should join the class of repudiators.

The Motion of the noble Lord is nearly the same as one which was made in 1847. In that year it was proposed that we should repudiate our Russian-Dutch debt, because Russia had violated the rules of international law by breaking the stipulations of the treaty of Vienna of the 9th of June, 1815, with regard to the Republic of Cracow. Now, it is proposed to repudiate that debt because Russia has violated the rules of international law by breaking the stipulations of the treaty of Vienna with regard to the navigation of rivers. I resisted the Motion of 1847 for the same reasons that I resist the present Motion. The House rejected the Motion of 1847; it ought, without hesitation, to reject this Motion, for I think that this Motion is more objectionable than that of 1847, because in 1847 we were at peace, and now we are at war with Russia; and, in consequence of our being at war with Russia, I hold that we are more bound in honour to pay this debt than if we were at peace.

Sir, it is the modern rule of civilised war that a belligerent State should pay to an enemy debts contracted during peace. In former times this rule did not exist. Eminent publicists held that a belligerent State was entitled to make reprisals upon every kind of property belonging to an enemy, and to confiscate debts due to an enemy on the breaking out of a war. But for the last two centuries it has been the established rule of civilised nations that public debts should be paid to an enemy during war. During the whole of that period the only attempt to break that rule was in the famous case of the Silesian loan. I must call the attention of the House for one minute to that case, because it bears some analogy to that of the Russian-Dutch loan; and because, in the case of the Silesian loan, eminent law officers of the British Crown distinctly laid down the rule that public debts ought to be paid during war. When they laid down that rule its observance was for our pecuniary advantage, now its observance would be for our pecuniary disadvantage; therefore we are now specially bound to adhere to a rule which we originally upheld for our own benefit. I will state the case of the Silesian loan in a very few words. It was made in the year 1735, by English merchants, to the Emperor of Germany, on the security of the revenues of the Duchy of Silesia. In 1742 Silesia was ceded to Prussia by the treaty of Breslau. One of the conditions of that cession was, that the King of Prussia should become responsible for the Silesian debt, and should undertake the payment of it. In 1752, in consequence of the capture of Prussian vessels by British cruisers—a capture which a Commission of Prussian officers asserted to be in violation of the law of nations—the King of Prussia made reprisals on the Silesian debt, and suspended the payment of it; at the same time, he sent to the British Government the Report of the Prussian Commission as a justification of his conduct, based upon the law of nations. That Report was referred to a Commission of eminent English lawyers, of whom the Attorney General (Ryder) was one, and the Solicitor General (Murray), afterwards Lord Mansfield, was another. Their reply to the Prussian Report is celebrated, and was much praised both by Vattel and Montesquieu. In the opinion of Chancellor Kent, it "showed unanswerably that the "King of Prussia could not lawfully "seize the mortgaged revenues or debt by "way of reprisal, and that he was bound "by the law of nations, and every principle of justice, to pay the British creditors." In that reply, the law officers of the British Crown stated, "So scrupulously did England and France adhere "to public faith, that even during the "war"—the war which was terminated by the peace of Aix-la-Chapelle—"they suffered no inquiry to be made whether any "part of the public debt was due to the "subjects of the enemy, though it is certain many English had money in the "French funds, and many French had "money in ours." In all subsequent wars we adhered to this rule, and paid our public debts, without inquiry, alike to friends and foes. In the last European war it is said that the Emperor Napoleon I. had large sums of money in our funds, and regularly received his dividends. If the present Emperor of Russia holds any stock, he would also regularly receive his dividends, and would only be mulcted in the additional income tax as long as he is at war with us. I cannot discover any difference in principle between paying the Emperor of Russia, or his subjects, dividends on our consolidated debt, and paying to the Czar the interest of our Russian-Dutch debt.

Sir, the noble Lord the Member for Marylebone proposes to depart from our established usage with regard to the payment of our public debts—to depart from the modern rule of civilisation, and to resort to the ancient practice of barbarism. To justify such backsliding, so contrary to the spirit of the age, to that spirit of progress of which the noble Lord is supposed to be an advocate, the noble Lord ought to be able to assign some very special and valid reason. What reason has the noble Lord assigned? A considerable portion of his speech consisted of condemnation of the conduct of Russia. I agree with the noble Lord in condemning the conduct of Russia. I assent to the first three of the noble Lord's Resolutions. I admit that Russia was bound by the 118th article and the 16th annex of the Treaty of Vienna to be at the expense of maintaining the necessary works, through the extent of her territory, in the bed of the river Danube, in order that no obstacle may be experienced in the navigation. I acknowledge that Russia has broken this engagement, and I will assume that the conduct of Russia with regard to the bed of the Danube has been such as to constitute a *casus belli*. But I deny that a *casus belli* or war itself would entitle us to depart from the established usage of civilised nations by making reprisals on our Russian Dutch debt. The noble Lord, however, affirms that Russia has broken the specific engagement, in consideration of which we agreed to pay the Russian-Dutch debt. On this position I join issue with the noble Lord. I deny that Russia has broken the specific engagement, in consideration of which we became responsible for the payment of the Russian-Dutch debt. I assert that we are bound by treaties and Acts of Parliament, by the rules of international law and by honour, to continue to pay that debt.

In order to prove this position, I must ask permission to state, as briefly as I can, the origin and history of our engagements with regard to the Russian-Dutch loan, and in so doing I undertake to show—1. That we purchased from the Netherlands the four colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice, on condition that we should make certain payments on account of the Netherlands. 2. That one of the payments which we agreed to make for the Netherlands was for the purpose of discharging certain pecuniary obligations of the Netherlands to Russia; and the mode in which we engaged to make that payment was, by undertaking to pay off, by annual instalments, through the agency of Russia, a portion of the debt due by Russia on account of the Russian-Dutch loan. 3. That we engaged to continue those payments in every contingency, except that of Russia ceasing to identify her policy with that of Great Britain on all questions concerning Belgium. 4. That this contingency has not occurred; therefore we are bound by international law to continue those payments, because we have engaged to continue them in every other contingency, even in that of war, Russia being actually bound to her creditors by a similar agreement to continue her payments during war.

First, I have to show that we purchased from the Netherlands the four colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice, by agreeing to make certain payments on account of the Netherlands. To do so, I must observe that in the wars of the French Revolution we took possession of the colonies belonging to the Dutch, not because we were at war with Holland, but to preserve them from France when France took possession of Holland. Consequently, when in 1814 Holland was liberated from the dominion of France, we were bound in honour to restore to Holland her colonies of which we had taken possession. Therefore, on the 13th of August, 1814, we concluded a convention with the Netherlands, in the first article of which we engaged to restore to the Netherlands all the colonies which were possessed by Holland on the 1st of January, 1803, with the exception of the Cape of Good Hope, Demerara, Essequibo, and Berbice, which possessions were to be disposed of by a supplementary convention. That supplementary convention was contained in the first additional article to the convention to which I have just referred—namely, of the 13th of August, 1814. By that additional article we engaged, first, to pay 1,000,000*l.* to Sweden; secondly, to advance 2,000,000*l.* to be applied towards augmenting and improving the defences of the Low Countries; thirdly—and to this engagement I beg especial attention—to bear equally with Holland such further charges as might be agreed upon towards the final and satisfactory settlement of the Low Countries, in union with Holland, &c., not exceeding in the whole the sum of 3,000,000*l.*, to be defrayed by Great Britain. In consideration of these engagements, the Netherlands agreed to cede in full sovereignty to His Britannic Majesty the colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice.

I have shown that we bought from the Netherlands four colonies for a sum not exceeding 6,000,000*l.*, of which a sum not exceeding 3,000,000*l.* was to be expended in promoting the final and satisfactory settlement of the affairs of Holland and Belgium. The manner in which that sum was to be expended for the purpose in question was determined by a convention signed at London on the 19th of May, 1815, between Great Britain and the Netherlands and Russia. The noble Lord asserts in his fourth Resolution that the convention of the 19th of May, 1815, was included in the Treaty of Vienna of the 9th of June, 1815. I think the noble Lord is mistaken. I cannot find any article which makes the convention of the 19th of May, 1815, a part of the Treaty of Vienna. In the preamble to that convention it was stated that His Majesty the King of the Netherlands was desirous to render to the Allied Powers, who were parties to the treaty concluded at Chaumont on the 1st of March, 1814, a suitable return for the heavy expense incurred by them in delivering his territories from the power of the enemy; and that the said Powers had, in consideration of arrangements made with each other, mutually agreed to waive their several pretensions under this head in favour of His Majesty the Emperor of All the Russias. Now, what were the arrangements between the Powers who were parties to the Treaty of Chaumont at the period at which the convention of the 19th of May, 1815, was concluded at London? They were not the stipulations of the Treaty of Vienna of the 9th of June, 1815, for that treaty had not then been signed; but they were general territorial arrangements of the Congress of Vienna. One of those territorial arrangements was the union of Holland and Belgium. It is evident from Lord Castlereagh's despatch of the 13th of February, 1815, that he was anxious to obtain the approval by Russia of that territorial arrangement. With that object in view, Lord Castlereagh expressed to Lord Liverpool his persuasion of the policy and necessity of such a measure as that of the convention of the 19th of May, 1815. He declared that it was impossible, after the principles laid down in our convention with the Netherlands of August 13, 1814, that we could retain the Cape of Good Hope, Demerara, Essequibo, and Berbice, without incurring some charge for them; and his despatch shows that he thought that the charge had best be incurred for the objects of the convention of May 19, 1815. What were those objects? According to the preamble of the convention of 1815, it was executed by Great Britain in pursuance of engagements taken by His Britannic Majesty with the King of the Netherlands, in a convention signed at London on the 13th of August, 1814—those engagements being (as I have already said), to pay a sum not exceeding 6,000,000*l.* for retaining the colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice, of which a sum not exceeding 3,000,000*l.* was to be applied to bring about the final and satisfactory settlement of the affairs of the Netherlands. To accomplish these objects, and to make a suitable return to Russia for the heavy expense incurred by her in delivering the Netherlands from the power of the enemy—in the first article the King of the Netherlands engaged to take upon himself a part of the capital, &c., of the Russian loan made in Holland through the intervention of the house of Hope and Co. in Amsterdam; and the King of Great Britain engaged on his part to recommend to his Parliament to enable him to take upon himself an equal capital of the Russian loan—namely 25,000,000 florins, equal to about 2,080,000*l.* In the second article their Belgic and Britannic Majesties engaged to pay an annual interest of 5 per cent on the said capitals, together with a sinking fund of 1 per cent. In the third and fourth articles it was agreed that these payments should be made through the agency of Russia, and that Russia should "continue as heretofore to be security to "the creditors for the whole of the said "loan, and shall be charged with the administration of the same, their Belgic "and Britannic Majesties remaining liable "to His Imperial Majesty, each for the "punctual discharge of the respective proportions of the said charge." In the fifth article it was agreed—evidently with the view of bringing about the final and satisfactory settlement of the Low Countries in union with Holland, and of giving to Russia a strong pecuniary motive to identify her policy with ours respecting Belgium—that the payments in question should cease and determine, should the sovereignty of the Belgic provinces be severed from the dominions of the King of the Netherlands previously to the liquidation of the debt in question. And it was also agreed in the fifth article that the payments in question should not be interrupted in the event of a war breaking out between any of the three contracting parties; the Government of Russia being (to use the words of the fifth article) actually bound to its creditors by a similar agreement. This article, therefore, assigns as a reason why we should continue our payments during war, that Russia is bound to continue her payments during war. And, consequently, if we were to interrupt our payments during war, Russia might consider herself entitled to imitate our example; for, by the terms of the convention of 1815, Russia merely became our agent for the payment of a debt which we had taken upon ourselves for the valuable consideration of four colonies. Therefore, if we were to cease to supply Russia with the funds for making the payments in question, Russia might plead that she was simply our agent, and interrupt her payments to her creditors on account of the Russian-Dutch loan.

Sir, effect was given to the convention of the 19th of May, 1815, by the Act 55 *Geo.* III. chap. 115. By that Act we bound ourselves, for whatever cause we might go to war with Russia, whether for the violation by Russia of any or of every one of the stipulations of the Treaty of Vienna, to continue during war to pay, through the agency of Russia, the interest, &c., of our portion of the Russian-Dutch debt as long as Holland and Belgium were united. As we were not entitled to discontinue those payments on account of any act of Russia which would have caused us to engage in a war with Russia, *à fortiori* we were not entitled to discontinue those payments on account of any act of Russia which would not have caused us to engage in war with Russia. Consequently, under the Convention and Act of 1815, we were bound to continue to pay, through the agency of Russia, the interest, &c., of our portion of the Russian-Dutch debt till that portion was liquidated, in every conceivable contingency, except that of the separation of Holland and Belgium. But that contingency did occur in the year 1830.

Sir, in the year 1830, Holland was separated from Belgium; therefore, by the convention of the 19th of May, 1815, we were then released from the obligation of making any further payments on account of the Russian-Dutch debt. But we were not so released by the spirit of the convention of 1815; for I have shown that one of the objects of that convention was to make the policy of Russia the same as that of England with regard to Holland and Belgium. We thought, in 1815, that this object would be best attained by binding Russia under pecuniary penalties to uphold and maintain the union of Holland and Belgium. In 1831, we changed our mind upon this subject, and thought that Holland and Belgium should be permanently separated. That separation took place in 1830, not from any fault of Russia, but in spite of the wishes of Russia; for Russia had offered to send an army of 60,000 men to prevent that separation, and had only desisted from so doing in consequence of the representations of her allies, and especially of Great Britain. Therefore, Russia, by not sending an army to prevent the separation of Holland and Belgium, acted in accordance with the spirit, though not with the letter, of the convention of 1815. For, as I have already said, one of the objects of that convention was to induce Russia to adopt our policy with regard to Holland and Belgium. Consequently, we could not accuse Russia of having in any way acted contrary to the spirit of the convention of 1815; and, therefore, we could not with honour have refused to continue the payments on account of the Russian-Dutch loan, in consequence of the occurrence of an event which Russia was willing to prevent, but which we approved, and which we desired Russia not to attempt to prevent, but, on the contrary, to assent to. For these objects and reasons we concluded with Russia two engagements in 1831—first, on the 15th of November, 1831, a treaty with Russia and other Powers relative to the separation of Belgium from Holland; and, on the following day, a convention with Russia alone relative to the Russian-Dutch debt. There can be no doubt that one of the considerations which induced us to agree to the convention of the 16th of November, 1831, was that Russia had agreed to the treaty of the 15th of November, 1831.

Sir, in the preamble of the convention of November 16, 1831, it is stated that "complete agreement did not exist between the letter and the spirit of the "convention of May 19, 1815;" that, "on referring to the object of the above-"mentioned convention, it appeared that "that object was to afford to Great Britain a guarantee that Russia would, on "all questions concerning Belgium, identify her policy with that which the Court "of London had deemed the best adapted "for the maintenance of a just balance of "power in Europe." I have shown that one of the chief objects of the convention of 1815 was to give effect to the stipulations of the convention of the 13th of August, 1814, that England should apply a portion of the purchase-money of the Dutch colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice, towards the final and satisfactory settlement of the affairs of the Netherlands; and I have also shown that we endeavoured to attain this object by stipulating that our payments on account of the Russian-Dutch loan should cease in the event of the separation of Holland and Belgium, and that thus we held out a strong inducement to Russia to maintain that union.

The other chief object of the convention of 1815, according to the preamble of the convention of 1831, was "to secure to "Russia the payment of a portion of her "old Dutch debt in consideration of the "general arrangements of the Congress "of Vienna to which she had given her "adhesion—arrangements which remain "in full force." The precise meaning of these words has been misunderstood. The arrangements here mentioned are the same as those referred to in the convention of the 19th of May, 1815, and not the stipulations of the Treaty of Vienna as to the navigation of rivers, which treaty was not signed till the 9th of June, 1815. They were the arrangements between the Allied Powers who concluded the treaty of Chaumont, in consideration of which arrangements the Allied Powers waived in favour of Russia their pecuniary claims on the Netherlands for the expense incurred by them in delivering the Netherlands from the enemy. In order to satisfy a portion of those claims, the Netherlands transferred to Russia a portion of the claims of the Netherlands on Great Britain, on account of the sale to Great Britain of the colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice. In consequence of this transfer we became indebted to Russia, and to liquidate our debt to Russia we agreed by the convention of 1815 to pay, through the agency of Russia, the interest, &c., of a portion of the Russian-Dutch debt. When that convention became null in 1830, we then contracted with Russia a new engagement for a new consideration.

Sir, in the first article of the convention of the 16th of November, 1831, His Britannic Majesty engaged to recommend to his Parliament to enable him to undertake to continue, on his part, the payments stipulated in the convention of the 19th of May, 1815, according to the mode, and until the completion of the sum fixed for Great Britain in the said convention. And, on the other hand, in the second article the Emperor of Russia engaged that, "if "the arrangements agreed upon for the "independence and neutrality of Belgium "should be endangered by the course of "events, and to the maintenance of which "the two high Powers are equally bound," by the treaty of the previous day, "he "will not contract any other engagement "without a previous agreement with His "Britannic Majesty and his formal assent." Thus in 1831 we contracted a new engagement with Russia for a new consideration. Parliament confirmed that contract in 1832 by the Act 2 & 3 *Will.* IV. chap. 81, in which we recited at length—first, the convention of the 16th of November, 1831; next, the stipulations of the convention of the 19th of May, 1815, and among them we recited the engagement that our payments on account of the Russian-Dutch debt should not be interrupted in the event of a war breaking out between us and Russia, the Emperor of All the Russias being, as we asserted, actually bound to his creditors by a similar agreement; and we enacted "to continue the payments "stipulated in the convention of the 19th "of May, 1815, according to the mode, "and until the completion of the sum fixed "for Great Britain in the said last-mentioned convention, and to complete and "carry into effect in all other respects the "stipulations of the said last-mentioned "convention, and of the said convention "of the 16th of November, 1831." Therefore, by this Act of Parliament, we are bound to carry into effect every stipulation of the convention of 1815, except that which has reference to the separation of Holland and Belgium, and consequently we are bound to carry into effect the stipulation of the fifth article, that we should continue our payments, through the agency of Russia, in the event of a war breaking out with Russia. Now, I must observe that in the convention of the 16th of November, 1831, no event is specified in which our payments on account of the Russian-Dutch loan shall cease and determine before the completion of the sum fixed for Great Britain. In that convention we merely engaged to continue our payments on account of the Russian-Dutch debt, Russia, on the other hand, engaging not to contract any new engagement respecting Belgium without a previous agreement with His Britannic Majesty and his formal consent. Therefore, as long as Russia fulfils this specific engagement, we are bound to fulfil our engagement to make the payments in question, even during war. We are bound by conventions and an Act of Parliament to continue those payments during war, irrespectively of the cause of war. Therefore we should have been bound to continue those payments, if we had gone to war with Russia on account of the violation by Russia of all or any of the stipulations of the Treaty of Vienna. Therefore, assuming, for the sake of argument with the noble Lord, that the conduct of Russia with regard to the bed of the Danube was such a flagrant violation of the Treaty of Vienna that we ought to have made it a *casus belli*, still I have shown that, in the event of such a war, or of any war, we should have been bound to continue our payments through the agency of Russia as long as Russia did not violate the engagement contained in the second article of the convention of 1831. Now, Russia has not violated that engagement, for the arrangements agreed upon in 1831 for the independence and neutrality of Belgium, and to the maintenance of which Great Britain and Russia are equally bound by the treaty of the 15th of November, 1831, have not been endangered by the course of events, and Russia has not contracted any other engagement respecting Belgium without a previous agreement with His Britannic Majesty and his formal consent.

Sir, I have proved that by the conventions of 1814, 1815, and 1831, we first agreed to purchase from the Netherlands the four colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice; secondly, we agreed to apply a portion of the purchase-money towards the final and satisfactory settlement of the affairs of the Netherlands, and towards discharging a portion of the pecuniary obligations of the Netherlands to Russia on account of the expense incurred by Russia and her allies in delivering the Netherlands from the dominion of France; thirdly, with these objects in view, we agreed to pay off, by annual instalments, through the agency of Russia, the capital and interest of a portion of a debt due by Russia on account of a loan raised in Holland; fourthly, that we engaged to continue those payments during war (Russia being actually bound to her creditors by a similar engagement), and in every other contingency, except that of Russia ceasing to identify her policy with that of Great Britain respecting Belgium. I have therefore shown that, by agreeing to make and continue the payments in question, we not only partly purchased four colonies, but that we also purchased, in the first instance, in 1815, the assent of Russia to the union of Belgium and Holland, and bound Russia to uphold that union; and, in the second instance, in 1831, we purchased the assent of Russia to the separation of Belgium and Holland, and bound Russia not to contract any new engagement with respect to Belgium without our previous agreement and formal consent. Therefore I contend that we are now bound by treaties and Acts of Parliament, by the rules of international law and by honour, to continue the payments in question, though we are at war with Russia; Russia being actually bound to her creditors, by a similar engagement, to continue her payments during war. Therefore, if we were to cease to pay Russia, Russia might plead our repudiation of our debt as an excuse for her repudiation of her debt; and if she were not to do so, but were to continue her payments in spite of our repudiation, what a sorry figure we should cut among the nations of the earth!

Sir, we have engaged in this war, not for any petty personal motive, nor for any miserable pecuniary interest, but for high and noble objects—to protect the weak, to humble the pride of the strong—for the lasting benefit of Europe, to prevent the dangerous aggrandisement of Russia at the expense of the Ottoman empire. We are determined to prosecute this war vigorously and fearlessly till we have accomplished our great and noble ends. Let us not, by agreeing to this Motion, expose ourselves to the suspicion that we wish to make a pretext of this war to escape from the payment of a just debt due on account of the purchase of four great colonies, of which we retain undisputed possession. Be assured that the pecuniary benefit to be gained by the repudiation of this debt would be dearly purchased by the loss of the reputation which we should acquire by a scrupulous and punctilious fulfilment of engagements, and by the example of good faith which we should set to the nations of the world. The argument of the noble Lord is, Russia has broken treaties, therefore we ought to break treaties; Russia has been faithless, therefore we ought to be faithless; Russia has done wrong, therefore we ought to do wrong. Now, from the same premises, I arrive at conclusions diametrically opposed to those of the noble Lord. I say, because Russia has disregarded the stipulations of treaties, we ought even to be punctilious in fulfilling our engagements; because Russia has set an example of bad faith to Europe, we ought to set an example of good faith to the world; because Russia has been a wrongdoer, we ought to be most careful to do right, so that we may have reason and justice completely on our side. I therefore ask the House to reject the Motion of the noble Lord, a Motion which would better become the delegate of some obscure and bankrupt Transatlantic constituency than the representative of the wealth—the noble representative of the intelligence—of a portion of the great metropolis of this vast commercial empire. I offer my hearty opposition to the Motion, not merely as a Minister of the Crown, but also as one of the representatives of this metropolis, which the noble Lord misrepresents when he proposes to repudiate a debt which we are bound in honour and by treaty to pay.

MR. DIGBY SEYMOUR said, the right hon. Baronet had done justice neither to the arguments nor to the motives of his noble Friend (Lord Dudley Stuart) in bringing this subject before the House. Every argument of the speech of the right hon. Baronet was distinctly contrary to the views of the question taken by the Secretary for Foreign Affairs, who took for one of the grounds of the present war with Russia the conditions made for the preservation of the navigation of the rivers by the Treaty of Vienna, and considered the condition to which Russia had reduced the navigation of the Danube as a direct violation of that treaty. And again, in 1846, Her Majesty, in the Speech from the Throne, distinctly stated that the annexation of the State of Cracow was a violation of the stipulations of the Treaty of Vienna. The right hon. Baronet had therefore proved too much, because he had admitted that there had been distinct violations of the Treaty of Vienna on more than one occasion. Neither could the noble Lord be justly accused of advising the country to a system of repudiation. His noble Friend did not ask the House to repudiate anything, but he asked them not to continue paying out of the public purse, of which they were the conservators, a sum of money to Russia, when the conditions upon which the obligation to make such payment had originally attached had been broken by the wilful misconduct of Russia. The argument of the right hon. Baronet in reference to Silesia were inapplicable to the question now before the House, for his noble Friend did not put it as a question of reprisals, but as one of the violation of a solemn covenant and the forfeiture of its conditions. He denied that there was any analogy between this case and that of the fundholder, and the right hon. Baronet, without having grappled with the real question before them, had given an opinion directly opposed to that delivered by the noble Lord the Member for Tiverton (Viscount Palmerston) in his despatches to foreign Ministers with regard to the construction of the Treaty of Vienna. After the separation between Holland and Belgium it was admitted that, under the strict letter of the convention of 1815, the obligation of England to pay her quota was dissolved; but Lord Althorp and other eminent statesmen held that the spirit of the convention had not been violated by Russia, she not having been a party to promoting the separation between the two countries, and therefore that it would not be becoming in this country to take advantage of it. He quite concurred in that view; but a special Act had to be obtained to sanction a new convention, based upon the alterations which then took place in the relations between the two countries. He then came to the important debate of 1847, in which the most competent legal authorities and the most eminent statesmen took the view which his noble Friend had taken to-night with regard to the general arrangements of the Treaty of Vienna being identical with the question of the annexation of the free State of Cracow. The noble Lord the Leader of the House then said, it was true that the annexation of Cracow was a violation of the convention of 1831, but they would do well to satisfy themselves with a protest instead of taking advantage of that breach; for by so doing they would probably prevent a similar occurrence at a future time. Russia had again taken a similar course, so that the argument of the noble Lord the Leader of the House would not now be applicable. The opinion of the noble Lord and that of the noble Lord the Member for Tiverton, as expressed in his despatches, together with the statement contained in the Queen's Speech in 1846, that the annexation of Cracow was in direct violation of the general arrangements of the Treaty of Vienna, were strong arguments in favour of his noble Friend's proposition. Another argument was the tacit admission of Russia herself; for if it were true that the keeping clear of the Sulina mouths of the Danube was not one of the stipulations of the Treaty of Vienna, how was it that Count Nesselrode had not attempted to dispute the liability of Russia to keep them clear? With regard to the question of a breach of faith with the public creditor, he would quote a passage from the speech of the Recorder of London, in the debate of 1847. The right hon. Gentleman said:—

> "England was not security for Holland, nor Holland for England. The debt was due to subjects of the King of the Netherlands by the Crown of Russia; the amount was 25,000,000 florins, and, in consideration of the kingdom of Holland being fortified, England entered into a distinct understanding to make a separate payment to the Dutch creditors of Russia; but neither England nor Holland was security for the other. Russia, however, might be said to be security for both; because, without the grossest breach of faith which any nation could commit, she could not evade the payment of that debt which she had contracted to certain subjects of the Crown of Holland. England might fail to make good her part of the contract; the King of the Netherlands might not succeed in performing all that he had undertaken; but such failures on the part of others would never excuse Russia from the discharge of all the obligations which she had contracted. Russia could not for a moment refuse to comply with the terms to which she had bound herself, without at once giving ground for a *casus belli*."

It was agreed on all hands that by the Treaty of Vienna the mouths of the Danube were not to be closed; it was also admitted that those mouths were now choked up by the wilful negligence of Russia; and there could be no question, therefore, that the Treaty of Vienna had been violated. Another violation of the treaty consisted in the seizure of the free town of Cracow; so that all these cases would now justify England in standing upon her strict rights, quite irrespective of the question of war or peace, and refusing to pay the forthcoming instalment to Russia.

THE ATTORNEY GENERAL said, the hon. Gentleman who had just sat down had wholly misconceived the argument of his right hon. Friend (Sir W. Molesworth) in supposing that he had attempted to maintain that the closure by Russia of the mouths of the Danube was not a violation of the Treaty of Vienna. His right hon. Friend had throughout his speech admitted that the treaty had been violated, and therefore all the energy and all the vehemence which the hon. Gentleman had expended on the point was altogether thrown away. No doubt Russia was bound to keep the mouths of the Danube open—no doubt her closing of them was a violation of the Treaty of Vienna. The difficulty was to prove that this violation of the Treaty of Vienna would justify England in withholding the payment of the loan. To make out this they must first of all show that the engagement to pay the loan was based upon the Treaty of Vienna. His right hon. Friend the Member for Southwark had clearly shown that that was not the case, and nothing could be plainer than the statement which he made. England stood indebted to Holland in the sum of 3,000,000*l.* sterling as the price of four colonies. It was now said that these colonies were worthless. Well, such was the revulsion of feeling upon colonial subjects, that he would not now undertake to say whether the people of England now considered the Cape Colony worthless or not. But, at any rate, if that was a bargain, it did not lie in their mouths to say that the Colony was not worth the price, and that, therefore, they would repudiate the debt. Whatever they might think of the Cape Colony now, at the time the engagement was entered into it was considered to be a very valuable acquisition, and they must be bound by the bargain. Well, to return to the statement—this country agreed to pay Holland 3,000,000*l.* sterling as the price of these four colonies, to be applied as Holland might prescribe. It happened that at the close of the war the Allied Powers claimed from Holland some compensation for the expenses of the war, and at the same time they agreed to transfer their claims to Russia. After some negotiation Holland consented that we should pay the 3,000,000*l.* which we owed to her to Russia in lieu of her contribution towards the expenses of the war; and all these negotiations, be it understood, were anterior to, and independent of the Treaty of Vienna. But if the arrangement had been originally based upon that treaty, still his right hon. Friend had clearly shown that in 1831 a new arrangement was entered into, by which, on condition that Russia would unite her policy to England on the subject of the separation between Holland and Belgium, England would still continue to pay the money. Even if the question had, therefore, originally rested upon the Treaty of Vienna, it had been removed from that basis by the treaty of 1831. And if it were not so, still it would ill become this country at the present conjuncture to repudiate her engagements. Did they suppose that we should be able to persuade the other countries of Europe that if peace had been maintained we should have set up the closing of the Sulina mouth of the Danube as a reason for not continuing to pay this loan? The pretext was so hollow that all the world would see through it. Even with the clearest and strongest grounds for refusing payment, England ought to be most chary, scrupulous, and punctilious in refusing payment of her engagements in the time of war. And why? Because in war no opportunity was afforded for those communications and explanations which in a time of peace would be sure to precede such a rupture as this. If a difference of opinion on such a subject took place between two Powers in a time of peace, there could be no doubt that they would make every exertion and use every argument to make the other Power see the impropriety of their conduct before coming to an open rupture. But all opportunity for such explanations was now closed, and England would stand before Europe in the position of a country which took advantage of war to violate engagements to which they were bound by the most solemn consideration of honour and good faith to adhere.

Lord DUDLEY STUART, in reply, said, if it had been shown that they were bound in honour to fulfil this engagement, he should abandon his Motion, as he desired nothing but what was just and equitable, and would do nothing which could fairly subject his fellow-countrymen to the odious appellation which the right hon. Baronet had applied to himself of a repudiator. He must distinctly assert that there was no repudiation whatever in his proposal. The right hon. Gentleman had referred with an air of triumph to the case of the Silesian loan: but there was no affinity whatever between that case and the present. In that case the question was between a State and individuals; in this case the question was between one State and another, and, as he had before observed, what they had to consider was whether the conditions on which the money was payable had been fulfilled or been violated. It appeared as though there were always to be reasons why it was necessary to continue paying this money. Some years ago it was urged that they must pay, because they were at peace; the reason now assigned was that they were at war. It would be better if there were no conditions at all attached to the payment. Let them say at once, "No matter what happens, the payments shall continue to be made—the treaties are so much waste paper." As to the value of the colonies obtained from Holland, the late Earl Grey and the entire Opposition of the day, said the arrangement was a most improvident one. The right hon. Baronet and the hon. and learned Attorney General had carefully avoided saying one word respecting the document on which he (Lord Dudley Stuart) had almost entirely rested his case, namely, the statement respecting the nature of the Convention made by the Russian Plenipotentiary himself. It was tolerably clear, therefore, that his opponents found their selves entirely unable to answer the argument which he had founded upon that document. He was glad that by introducing the subject he had elicited the opinion of a Cabinet Minister, but he had heard nothing which had altered his opinion on the subject, and he must therefore divide the House.

Mr. CAYLEY said, he hoped that the noble Lord would not carry his intention of dividing into effect. England was not more distinguished for her good faith than for her arts, arms, or sciences, and the noble Lord's Motion went directly to impugn that good faith. The Emperor of Russia would accept such a Motion, if carried, as a compensation for all his losses in the war. It would ill become us to repudiate a payment because we happened to be at war with our creditor. If the noble Lord did divide, he hoped there would be nobody on his side but the mover and seconder.

Sir DENHAM NORREYS also urged the noble Lord not to divide.

Question put.

The House *divided*:—Ayes 5; Noes 57: Majority 52.

List of the Ayes.

Hume, W. F.
Langton, H. G.
Morris, D.
Murrough, J. P.
Wise, A.

TELLERS.
Stuart, Lord D.
Seymour, D.

OUR CAVALRY IN THE EAST.

Mr. W. WILLIAMS, in moving for the return of which he had given notice, said, that there was at this moment a great deal of agitation in the public mind with regard to the disproportionate number of officers in our cavalry force in the East as compared with the number of men. There was one officer in the cavalry regiments for every ten men; and somewhat more than one officer and one non-commissioned officer for every five men. This was considerably more than twice the number of officers attached to the cavalry regiments serving under the Duke of Wellington in the Peninsular war. With regard to our infantry, the number of officers there was one officer to every twenty-five men, according to the Army Estimates of the present Session. Common sense would point out to any one that so large a proportion of officers in the cavalry could not be required.

Motion made, and Question proposed,

"That there be laid before this House, a Return of the effective force of Cavalry employed or now under orders for the East; stating the number of Regiments; of Officers, specifying their respective ranks, in each Regiment; the number of effective Men and Horses actually embarked; and of the General and Staff Officers attached to the Cavalry Service; specifying the Rank and Names of the General Officers, and of their Staff."

Mr. SIDNEY HERBERT said, that the return for which the hon. Gentleman had moved was one which he thought the Government could not grant without departing from its duty. With respect generally to returns moved for relating to the Army, there was no force, he supposed, in Europe which was conducted upon principles so patent to the world as the British Army, and since he had had anything to do with the administration of the Army, he had certainly not erred upon the side of refusing information when wanted. The hon. Gentleman, who took great interest in these things, and was very reasonable in his mode of dealing with them, would, he thought, see that his object could be attained without asking for returns which would, if granted, be prejudicial to the public service. He admitted the greater part of the hon. Gentleman's case. The hon. Gentleman said there was a great disproportion of officers to men in the cavalry regiments, and that there were many more of the former than were requisite to the number of men in those regiments. That was perfectly true, but the converse of it was also true,—that there was not a sufficient number of men to the number of officers. Our cavalry force had been maintained during peace as a skeleton force, and this in itself afforded a very weak framework. The regiments in this country during peace were composed only of six troops; in India they were raised to ten troops; but here they were maintained at six with a very small number of men in each troop, in order that that force might be maintained as economically as possible, and in order that it might be capable of expansion when the necessity arose. This expansion, however, was not a thing which could be attained in a day; and, looking at the hon. Gentleman's Motion, the feeling it inspired him with was rather remorse that they had not kept up the cavalry regiments in a more efficient state. Now, however, they were augmenting the cavalry regiments, and raising additional men for them, and he trusted that the disproportion of officers to men, of which the hon. Gentleman complained, would before long be to a considerable degree remedied. With regard to the return moved for, he thought by granting it the House would in this particular case create a precedent which, under present circumstances would be a very dangerous one. He feared they would not be able to induce the War Office at St. Petersburg to exchange returns on this subject, and therefore to grant a return of this kind would be to introduce a precedent which might be very inconvenient. At the same time he did not deny the facts of the case as stated by the hon. Gentleman, who, in his vigilance with regard to economy, had very properly looked into this matter.

Lord SEYMOUR said, he hoped the hon. Member for Lambeth would not press the Motion after the statement of the right hon. Gentleman the Secretary at War. At the same time he must call to the recollection of his right hon. Friend what had passed before the Committee on the Army Estimates on this very subject. This question was brought under the consideration of the Committee, and the statement made to the Committee by the army authorities was, "Undoubtedly there are too many officers in the cavalry regiments now, but whenever war breaks out we shall fill up the number of men, and then there will not be too many officers." When, however, we came, as now, to a time of war, we found the cavalry regiments sent abroad without the additional number of men, and then his right hon. Friend said, "Yes, it is quite true there are too many officers, but there are also too few men." So the House was met in either case. The Committee to which he alluded were certainly led to believe that, in case of war, men would have been contributed from the regiments at home so as to fill up and complete the regiments going abroad, instead of sending them out in these insufficient numbers. The Committee had been given to understand that this could be easily done upon an emergency, and he should like to be informed now what was the obstacle which had apparently rendered this course impracticable.

Mr. SIDNEY HERBERT said, that the course which the Government adopted had been the very one which the noble Lord himself suggested. The House must remember, however, that though you might take men from other regiments, leaving them in a low state, you could not altogether destroy those regiments. In the present instance the cavalry regiments which remained in this country had contributed men to those sent abroad, which had already been considerably strengthened in that way.

Colonel DUNNE said, he considered that the return, if granted, would be a very mischievous one. The hon. Gentleman (Mr. W. Williams) had better move for a return of our whole force and send it to St. Petersburg. He thought the mere transfer of men to one cavalry regiment from the other would not meet what was wanted in the case. The fact was, that a false spirit of economy had prevailed with regard to our cavalry force.

Mr. W. WILLIAMS said, he would adopt the recommendation of the noble Lord (Lord Seymour) not to press this Motion, because the right hon. Gentleman the Secretary at War had admitted everything he had said. As to what had been said by the hon. and gallant Member (Colonel Dunne), the fact was that the military authorities at St. Petersburg knew a great deal more about the state of our Army than the hon. and gallant Member probably did. There was, perhaps, not a secret worth knowing in the office of the Secretary at War but was known at St. Petersburg.

Motion put, and *negatived.*

PUBLIC HEALTH BILL.

Sir WILLIAM MOLESWORTH, in moving for leave to bring in a Bill to make better provision for the administration of the laws relating to the public health, stated, that the Bill was framed in strict conformity with the opinions, views, and wishes expressed yesterday by the House. The desire of the Government was to act in conformity with those views and opinions, which he understood to be to this effect, that a department ought to be constituted which should have the administration of the Public Health Act, the Nuisances Removal Act, and any other measure affecting the public health of the country. He took it to be the opinion of the House, that the Board of Health, as at present constituted, consisting of four members, two of whom were paid and two unpaid, was not a good Board for the administration of the Public Health Act. The opinion expressed was, that there ought to be some person in that House who should be directly responsible to Parliament for the administration of the Public Health Act, who should be able in his place in that House to explain the reasons for any provisional order or Order in Council which might be issued, and likewise to explain all matters which might arise under the Nuisances Removal Act, as well as answer all questions respecting the general health of the country. He also understood that the opinion of the House was that the administration of the new departments should not become part and portion of the Home Office, though in many respects, undoubtedly, the administration of the health of the country was very nearly connected with the administration of the Home Office. The opinion of the House, however, was that there was not a closer analogy between the two departments than there was between the Poor Law Board and the Home Department, and that there should be a new department constituted in the same manner as the Poor Law Board was constituted. He had, therefore, prepared a Bill which gave to the new Board of Health precisely the same constitution as the Poor Law Board possessed. A President would be appointed who would have a seat in that House, and who would have a secretary and under secretary. The only other alteration proposed to be made with regard to the officers of the Board of Health was, that the superintending inspectors should be salaried officers of the Board, and should not be employed, as at present, upon jobs, or, in other words, that they should not be able to undertake work upon their own private account. It had been a matter of great complaint that the inspecting officers sent down by the Board of Health, not being salaried officers, could be employed upon other work in the district to which they were sent, and the Bill, therefore, proposed that the superintending inspectors should become salaried officers, so that there should be no danger of their getting up work for their own special advantage. These were the provisions of the Public Health Bill, which he now asked the leave of the House to introduce; but he might add, that it was proposed to insert a clause in the Bill to give compensation, not exceeding 1,000*l.* a year, to one of the present members of the Board of Health. It was thought that, though some obloquy might have been thrown upon Mr. Chadwick with regard to his services in connection with the Board, that gentleman had been for many years a very valuable public officer, and that, therefore, some compensation ought to be given to him.

Sir GEORGE PECHELL said, he begged to express his satisfaction at the heads of the Bill. It was his belief that if there was an inquiry into the Board of Health similar to that which had taken place into the Andover Union some years back, the necessity for the re-construction of the present Board would become manifest.

Lord SEYMOUR said, he felt gratified in being enabled to offer his thanks to the Government for introducing a Bill which he believed would give much satisfaction not only to that House, but also throughout the country. He thought the course taken by Government was, under the circumstances, a very judicious one, and, with respect to the proposal to compensate Mr. Chadwick, he could only say that he should be very sorry if anything which he had said in that House were to prevent that gentleman from receiving compensation for his services during the long time he had been a public servant. He had observed the conduct of Mr. Chadwick for one or two years in connection with the Board of Health, and having occasion to differ in opinion from Mr. Chadwick, he had fairly stated that difference. It would, however, be most unfair if he were to endeavour to make use of any difference of opinion so as to prevent a public officer from receiving compensation for his services. He conceived that the services of Mr. Chadwick, particularly with regard to the original inquiry which led to the formation of the Poor Law Board, had been very meritorious, and had been of great value to the country. He approved generally of the Bill proposed now to be introduced by his right hon. Friend, though, of course, he could not at present express any opinion upon its details. As, however, they were to have an inquiry next year, it might be as well only to take the Bill at present for one year, so that, when the subject came under consideration next Session, they might be enabled to form some judgment of the constitution of the new department, together with the salaries paid and other details. He most anxiously desired that any measures adopted might work well in promoting sanitary improvements throughout the country, and he hoped at the same time that the new department would be so constituted that it would interfere as little as possible with that local self-government which was absolutely necessary in order to give confidence in any measures introduced by the Government.

Mr. HENLEY said, he thought the plan likely to be a good one, though it might require some modification. He entirely approved of the provision prohibiting officers of the Board from taking work upon their own account; but he did not attach so much importance as many hon. Members did to the President of the Board having a seat in that House. He approved of compensation being made to Mr. Chadwick, but whether the amount stated was the right sum or not he would not now undertake to say. At the same time, there was a general understanding in the House the other day, that the whole question in relation to the Board of Health and the existing law should be subject to inquiry. Such an inquiry was absolutely necessary; and as it should take place next Session, he hoped the present measure would only have a provisional character.

Lord JOHN RUSSELL said, there could be no objection to an inquiry next Session into the working of the whole of the Acts relating to the public health, and with relation to the powers intrusted to the Board in carrying them out. It could hardly be doubted that for the future the care of the health of the country was a duty sufficient to occupy the official persons who might have charge of the department. There appeared to have been some misapprehension of what his right hon. Friend (Sir W. Molesworth) had said with respect to the President of the Board. What his right hon. Friend said was, that there should be only one officer, the President, capable of holding a seat in that House. As to the duration of the Bill, one year would probably be too short, as there was to be an inquiry, which might turn out a lengthened one.

Mr. NEWDEGATE said, he hoped that, after the failure of the Board of Health, as constituted by Lord Morpeth's Act, with its arbitrary and centralising powers—a failure which, he might remark, had been predicted by the right hon. Member for Oxfordshire (Mr. Henley)—the Government would be fully impressed with the absolute impossibility of the success of any system which was not founded on the principle of local self-government. With regard to his own constituency, he believed he might say that no greater service had ever been rendered to the great town of Birmingham than the prevention of the introduction there of the powers of the Board of Health, and the establishment of a system in lieu of them which, founded on the principle of local self-government, would be, he believed, permanent and successful.

Mr. DUNCAN said, he thought that, wherever it was absolutely necessary to interfere with local bodies, that interference should be as light as possible.

Leave *given;* Bill *ordered* to be brought in by Sir William Molesworth and Mr. Fitzroy.

Bill read 1°.

CRIME AND OUTRAGE (IRELAND) BILL.

Order for Committee read.

House in Committee.

Mr. BOWYER said, he could not allow the Bill to go on without protesting against its progress. The Bill was introduced at a time very different to the present, and a Bill on account of crime and outrage was no longer needed. He could say that crime and outrage had generally diminished in Ireland; and as far as the county of Louth was concerned, crime and outrage were extinct. The people of that portion of Ireland were orderly and loyal, and did not require such a Bill. He believed the Bill was not required now, and next year he believed there would be found even less necessity for it. If the Bill were proposed next year he should feel it to be his duty to move for a Committee of Inquiry to ascertain if there were any grounds for bringing forward such a measure. He would not divide the House on the present occasion. He must, however, contend that the Bill ought not to be an annual Bill—like the Mutiny Bill—to be passed without necessity or inquiry.

Mr. M'CANN said, that after the expression of opinion last night, he would not offer any opposition to the Bill, though he agreed with the hon. and learned Gentleman (Mr. Bowyer), that this Bill should not be brought in regularly as a matter of course every year. It might be necessary for one or two counties, but it was not just to apply it to all Ireland, when crime and outrage did not exist in many parts of that kingdom.

The Bill passed through Committee.

House resumed.

MILITIA (No. 2) BILL—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Question [31st July],

> "That the Clause (All persons possessing diplomas, certificates, or qualifications held to qualify such persons to act as Surgeons, or Assistant Surgeons, in the Army, shall be held to be duly qualified to serve as Surgeons, or Assistant Surgeons, in the Militia,) be added to the Bill."

Debate *resumed.*

Question put, and *agreed to.*

Clause *added.*

Four other clauses *added.*

Mr. SIDNEY HERBERT moved the insertion in Clause 2 of a proviso, giving the magistrates of counties the power to add quarters for non-commissioned officers, cells, magazines, &c., to the militia storehouses, in place of the proviso originally contained in the clause, which rendered it compulsory upon the counties to provide these accommodations. The effect of this would be to limit the liability of the counties to what it had been under the former Act, the 42nd *Geo.* III.

Mr. SOTHERON said, he thought the arrangement now proposed a very fair one, as the compulsory obligation was to be restricted to the limit which had been established for the last forty or fifty years, and everything else was to be left to the option of the magistrates at quarter sessions.

Amendment *agreed to.*

Viscount JOCELYN said, he had upon a former occasion stated that it was, in his opinion, competent for a militia court-martial to try a sergeant upon the permanent staff, and to reduce that sergeant to the ranks if they thought the nature of the charge brought against him was such as to justify that course. He had since, however, come to the conclusion that it was extremely doubtful whether such court-martial could break a sergeant of the line who might have entered the militia as a volunteer. The point was one to which he wished that the attention of the right hon. Gentleman the Secretary at War should be directed.

Mr. SIDNEY HERBERT said, that the Act which empowered a militia court-martial to reduce a sergeant to the rank of a private had been passed in the time of George III., when almost the whole of the governing staff consisted of volunteers, who had been promoted from the position of privates, and who might, therefore, by the decision of a court-martial, be reduced to the rank whence they sprung. Under the present system, however, there was a permanent staff, composed of volunteers of the line, who had never been privates in the militia, and therefore some difficulty arose as to the question whether they could be degraded to a rank which they had never held. According to the strict construction of the law, they might perhaps be so reduced, but as a matter of policy he doubted if it would not be more desirable that they should be dismissed the service altogether.

Viscount JOCELYN said, that if such a person were guilty of a disgraceful offence, and could not be reduced to the rank of volunteer, all the punishment he could receive was dismissal from the militia regiment. He would retain his rank as sergeant of the line with a pension.

The remaining Amendments were then considered and *agreed to*, and the Bill *ordered* to be read a third time on *Thursday* next.

MILITIA (IRELAND) BILL.

The Order of the Day for the consideration of this Bill, as amended, having been read,

Colonel DUNNE said, with respect to the appointment of the various officers in the militia, the power of making those appointments was proposed by the Bill to be vested in the lord lieutenant, who might have no military experience whatsoever. That was a state of things which he did not think it desirable should prevail, and he would therefore suggest to the right hon. Gentleman the Secretary at War, that in Clause 8, instead of the words "Lord Lieutenant," there should be inserted, as was the case in the English Bill, the word "Queen."

Mr. SIDNEY HERBERT said, the clause had been drawn up in strict conformity with the principle of the English Militia Bill. The appointments of the officers were, no doubt, subject to the approval of the Secretary of State; but practically what took place with reference to those appointments was, that the lord lieutenant of a county recommended a particular person to the colonel of a regiment, in whom, in reality, the appointment of its officers was vested.

The Bill, as amended, considered, and *ordered* to be read a third time on *Thursday* next.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, August 2, 1854.

Minutes.] New Member Sworn.—For Beverley, Hon. Arthur Gordon.

Public Bills.—2° National Gallery, &c., Dublin (No. 2); Public Revenue and Consolidated Fund Charges (No. 2); Militia Pay; Mayo County Advances; Public Health.

Reported—Militia (Scotland).

3° Court of Chancery (County Palatine of Lancaster); Prisoners Removal.

RUSSIAN GOVERNMENT SECURITIES BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. HENLEY said, he must complain that, although the Bill had been postponed on a former occasion in consequence of the absence of the law officers of the Crown, those learned gentlemen were not now present.

LORD DUDLEY STUART said, it was not his fault that the law officers were not present. The Bill which he had introduced had been considerably altered by the hon. and learned Solicitor General; but, as the hon. and learned Gentleman was endeavouring to effect, though by better means, the object which he (Lord D. Stuart) was desirous of attaining, he could have no objection to the adoption of the Amendments proposed.

VISCOUNT PALMERSTON said, his hon. and learned Friend the Solicitor General, who had given notice of an Amendment for remodelling the clause, had told him that he was unable to attend at so early an hour, and had requested him to propose the Amendment of which he had given notice to the Committee. He thought it would be found that, by adopting the substitution now proposed, all the objections urged against the effects of the Bill would be removed, whilst, on the other hand, those political objects which his noble Friend (Lord D. Stuart) and the majority of the House had in view would be sufficiently accomplished. He would now move, as an Amendment, to leave out all the words of the Bill after the words "as follows," in line 7, for the purpose of inserting the following enactments—

"If, during the continuance of hostilities between Her Majesty and the Emperor of Russia, any British subject shall, in any country, wilfully or knowingly take, acquire, become possessed of, or interested in, any stocks, funds, scrip, bonds, debentures, or securities for money, which, since the 29th day of March, 1854, have or hath been, or which, during the continuance of hostilities as aforesaid, shall be created, issued, entered into, or secured by or in the name of the Government of Russia, or any person or persons on its behalf, every person so taking, acquiring, becoming possessed of, or interested in, any such stocks, funds, scrip, bonds, debentures or securities for money, as aforesaid, shall be guilty of a misdemeanor, and, upon being convicted thereof, shall be imprisoned for a term of not less than three calendar months. Provided always, that the provisions of this Act shall not extend to or include the case of a British subject claiming an interest in the estate or effects of any deceased person, or the case of a British subject taking the estate or effects of his debtor in execution, or the case of a British subject claiming in any country to be interested under any bankruptcy, insolvency, sequestration, cessio bonorum, or disposition of property in trust for creditors, but that in every such case the British subject may take and receive any share, legacy, dividend, debt, or sum of money due or belonging to him, notwithstanding that the same may arise from or be produced by the sale or proceeds of any such stocks, funds, scrip, bonds, debentures, or securities for money as aforesaid."

MR. BARROW said, he thought the objects of the measure would be better carried out by the Bill in its original shape. The main object, as he understood it, was to prevent the Russian Government obtaining money by negotiations in Russian securities in this country, and he did not understand the Bill, as proposed by the noble Lord, to extend to any transactions in foreign countries. He perceived, however, that the proposed alteration of the Solicitor General made it an offence for a British subject in any country to deal in securities which, by the law of the country, it might be perfectly legitimate for parties to transfer from one hand to another. He entertained some doubt whether Parliament ought to interfere with transactions in foreign countries to that extent.

VISCOUNT PALMERSTON said, he thought the hon. Member would find, on reflection, that the Amendment was calculated to promote the object of the Bill. It was equally treasonable to advance money to the enemy in a foreign country as in this country, and one of the objections made to the Bill was, that it was so far short of its purpose that it would be easy to evade it by sending money to a foreign country.

MR. HENLEY said, he thought that the Amendment went to sweep out nearly the whole Bill for the purpose of substituting new enactments, and the Committee ought to know whether the Government now took charge of the Bill.

LORD DUDLEY STUART said, he had not stated that the Government had taken up the Bill, but the Solicitor General proposed to leave out all the words of the clause, in order to introduce another clause, which would carry out his (Lord D. Stuart's) views more effectually than the original clause. For his own part, he would be very glad if the Government would take charge of the Bill.

MR. THOMSON HANKEY said, he

felt a greater aversion to this clause than he did to the original one. In effect they were now discussing an entirely new Bill. He considered it perfectly futile, and that it was impossible to carry it out. He understood the noble Lord to say the other day that it was futile to make a distinction between a direct and an indirect mode of doing the same thing. It appeared to him it was not impossible to make a distinction between a direct mode of aiding and abetting and lending money to a foreign Government with which we were at war, and an indirect mode of dealing with property which had become the property of other persons. By the declaration of Government they could receive goods, the produce of Russia, that were brought in in neutral bottoms, but by this Bill it would be unlawful to receive the amount in bank-notes guaranteed by the Russian Government. He also objected to the Bill, because it was a direct interference with private property. It would make a difference in the value between two kinds of securities, those issued before the declaration of war and those issued since, and which were of equal intrinsic value. He entertained as great an aversion as any man to anything that would assist the enemy in the war, but this Bill would not cripple the resources of Russia; it was a paltry piece of legislation, and a puerile attempt to do that which they could not carry out.

Mr. ROBERT PHILLIMORE said, that the Bill was extremely valuable, as recognising the principle that the will of the subject was bound up with the will of the Government to which he belonged, and that we were not to be allowed to carry on a military war and a commercial peace—a state of things which he conceived would be discreditable and dangerous to this country. The new regulations affecting neutral rights and relaxing the rigour of those formerly in force, constituted, in his view, an additional reason why this Bill should be passed, as we did not yet know what their operation might be.

Mr. HENLEY said, the Bill, as it would now stand, aimed at an object quite different from that of the former Bill. As originally drawn, it would have enacted that no person, whether a British subject or a foreigner, should deal in Russian securities in this country, but it now provided that only British subjects should be detained from dealing in those securities, whilst they were to be restricted from doing so in all places. As the Bill was now drawn, those securities might circulate in the British market, and foreigners might deal in them freely. The noble Lord (Lord D. Stuart) originally omitted to prevent British subjects from dealing in those securities abroad, whereas the measure in its new form would render such dealings as illegal at Hamburg or Amsterdam as in London. The great difficulty of the clause as it now stood was, that if you took an execution against a foreigner, and thus obtained possession of a quantity of these securities, you might deal in them to any extent without let or hindrance. That seemed to him to open a door so wide, that it was a great question whether the Bill would not thus be evaded and entirely defeated, and he should like to hear the opinion of the Attorney General or Solicitor General on this point. The exceptions under the clause would be so very large and loose, that it seemed to him that any man might possess himself of these securities under a colourable process of law.

Viscount PALMERSTON said, that it was exceedingly difficult, with respect to a subject such as that with which the Bill proposed to deal, to devise any form of words which would be found so comprehensive as to embrace all circumstances and all contingencies within their scope. His hon. and learned Friend the Solicitor General had so applied his knowledge and ability as to meet these contingencies as far as possible, and the House ought not, in his opinion, to refuse its assent to the clause, because it failed to provide the exact remedy in every case that might occur. With reference to the objection which had been raised against the Bill, upon the ground that under its operation the foreigner might securely deal in Russian securities, he should merely say, that the foreigner was not to be regarded as being engaged in the contest with Russia, and that he might be allowed to carry on such transactions as those against which the Bill was directed without at all affecting the soundness or the utility of establishing the principle which the House was asked to sanction. It had also been urged in opposition to the Bill, that its provisions might without difficulty be evaded even by British subjects. Now, in answer to that argument, he should observe that it was his firm belief that when Parliament, by giving its assent to the measure before the House, had asserted a solemn principle, there would be little need of the introduction of minute provisions into the law for the purpose of securing for it the respect and obedience of the commercial classes of the community. He had a higher opinion of the good feeling and patriotism of Englishmen than to suppose that they would take advantage of those facilities of evading the law, which under the operation of the Bill they might be afforded. He was of opinion, also, that Parliament, having the subject under their consideration, should not hesitate to deal with it with decision and unanimity.

Viscount GODERICH said, he wished to know whether any British soldier or sailor who might happen to become a prisoner of war, and who while in Russia might become possessed of a Russian bank-note, dated since the 29th of March last, would thereby be held to be guilty of a misdemeanor under the operation of the Bill?

Viscount PALMERSTON: The provisions of the Bill are made to apply only to the case of those British subjects who became possessed of those notes while without the Russian dominions.

Mr. J. WILSON said, the Committee had been placed in a considerable dilemma by the introduction of the Bill. If the measure had never been brought forward no harm would have been done; but if it were now rejected the motives of the Legislature might be seriously misrepresented. The hon. and learned Solicitor General had managed to remove some of the blots in the Bill as it was originally proposed, but there were still some defects remaining; and with a view to obviate such a case as the noble Lord (Viscount Goderich) had just pointed out, he would suggest some such proviso as the following—

> "Provided always that nothing herein contained shall be considered to include notes which shall have been issued as a circulating medium in Russia, and shall be received by any British subject resident therein."

His noble Friend (Lord Palmerston) had argued the other day that those who had opposed the Bill were above all things desirous of assisting Russia with money. Now he did not believe that any such wish or desire had any existence; and though the noble Lord had stated that what he (Mr. Wilson) said on a former occasion was "sheer nonsense," he really thought the fate of the Bill must have convinced the noble Lord that those words would have been more applicable to the measure than to its opposers. At all events, not a single word of the original Bill had been retained. For his own part, he thought that the measure would be perfectly useless in preventing the raising of loans by Russia. The Committee of the Stock Exchange had of their own accord prohibited the Russian stock from being quoted in their lists, and had thus excluded it from the Exchange. The money dealers had thus anticipated the Bill, and they had done so in a much more effectual manner than could be done by any legislation, for what they had done would apply to foreigners as well as to British subjects.

Mr. GLYN said, he would admit it was right that the Government should hold the power of saying to any of its subjects that they should not deal in the public securities of a country with which we were at war; but what he wished to impress on the Committee was, that in matters of this kind we had now arrived at a new state of things, and that the House of Commons ought to take upon itself to legislate for that new state of things. He confessed he thought this Bill ought originally to have been introduced by the Government, and upon a much broader basis. The Bill as originally drawn prevented all persons in this country from dealing with Russian securities, but now it appeared that it was British subjects alone in this country who were to be prohibited from negotiating such securities. He contended that that alteration would have the effect of making the Bill completely nugatory, inasmuch as there were numbers of foreigners on the Stock Exchange in London and in the other parts of the country, Dutchmen and others, who would thereby be enabled to deal in the securities in question with complete impunity.

Lord DUDLEY STUART said, he did not think that any difficulty would arise of the nature pointed out by the noble Lord below him (Viscount Goderich). The Bill was only directed against persons who "wilfully and knowingly" dealt in Russian securities; and it could not be said that an English prisoner in Russia who was obliged to take a Russian banknote had done so "wilfully." What he (Lord D. Stuart) wished to do was to throw difficulties in the way of Russia obtaining a loan; and he thought that if the contractors knew that their scrip would be shut out of the largest market in the world, they would think twice before they took the loan. He concurred in the objection against the insertion of the words "British subject;" unless, indeed, it was held that foreigners in this country were to be treated as subjects of these realms. He suggested that the words "for the first time," should be introduced so as to confine the operation of the Bill to the new stock.

THE ATTORNEY GENERAL said, that if the Bill had not been introduced, he, for one, should never have regretted its absence, because he thought it ought not to have been directed against one particular case alone. He thought it would have been more desirable to have given power to Her Majesty in Council to suspend the right of trafficking in the securities of foreign Governments; but, in his opinion, whatever was done ought to have assumed the form of a general measure. As, however, the measure had been introduced, it was very important to cripple the resources of the enemy by preventing as much as possible traffic from taking place in any loans he might attempt to raise. It was obvious that such a measure could not be so drawn as to meet every possible contingency which might arise, but, balancing its conveniences and its inconveniences, he thought the measure, on the whole, was a wise one, and his only objection to it was that it was a partial measure. As to the objection that the Bill would be nugatory, because it applied at present only to British subjects, he thought those words would not bear the limited construction sought to be put upon them, because every person residing in this country owed allegiance to its laws and was bound by them. It would be very easy, however, to get over this difficulty by inserting, instead of "any British subject," the words, "any person whatever within the realm of Great Britain and Ireland." He did not think, when the point came to be considered, that there would be any difficulty in so framing the clause as to meet most of the difficulties which had been urged against it.

MR. WILKINSON said, the whole effect of this Bill would be, to make perhaps one-half per cent difference in the money market between one description of Russian bonds and the other. By sending over to Amsterdam or elsewhere, new Russian bonds could be easily changed for old ones, and that would be the whole effect of the operation of this Bill. The fact was, the House of Commons should be satisfied with the general legislation already in force, which made it high treason to lend money to an enemy with whom we were at war. He felt bound to oppose the Bill altogether, believing, as he did, that it was beyond the scope of their legislation to effect the object they had in view, and feeling that, in legislating on the subject, at every step they took they only got out of one difficulty into another.

MR. T. BARING said, that the Bill was so full of difficulties, and so replete with anomalies, that if it were to pass in its present shape it would be found to be wholly inoperative. He perfectly concurred in the objections to the Bill to which the hon. and learned Attorney General had given expression. In fact, the difficulties in the way of dealing satisfactorily with the measure were considerably increased by the difference of opinion with respect to it which seemed to prevail among its supporters. The unusual conduct pursued by various Members of the Government with regard to this measure, while it afforded considerable amusement to his mind, tended also not a little to embarrass the House in dealing with it. The Bill, originally introduced by the noble Lord the Member for Marylebone, was afterwards taken under the protection of the noble Lord the Secretary of State for the Home Department. The Solicitor General afterwards came down to the House with a proposition which completely upset the Bill of the noble Lord the Secretary for the Home Department; and now the Attorney General appeared suddenly upon the scene with a suggestion which completely upset the Bill of the Solicitor General. Such was the state of confusion at which they had arrived. He perfectly concurred with the hon. and learned Attorney General in thinking that the House of Commons ought to legislate upon the subject under their notice upon general principles, applicable to every country—not merely with Russia—with which we might happen at any time to be at war. If the Government had adopted the policy of introducing a measure investing the authority in the Queen in Council to suspend the traffic in Russian securities upon the part of British subjects, such a policy would be plain and intelligible. But let him suppose that the Bill under their consideration should pass into law, and that during the recess war should be declared by Her Majesty against countries with which we were now at peace, what, he would ask, under these circumstances, would be the position in which we should find ourselves placed? That country might send its bonds here in the ordinary way, and we should be placed in this dilemma, that the dealing in the bonds of that country would be perfectly legal, whilst the dealing in those of Russia—we being at war with both countries—would be a misdemeanor punishable with three months imprisonment. Surely, if it was worth while to bring in a Bill on this subject at all, that Bill ought to proceed on a general principle. He believed, likewise, that the operation of the Bill would be found to be objectionable, upon the ground that it would throw great difficulties in the way of commercial transactions. The clause of the Solicitor General contained a proviso to the effect that the penalties to be inflicted for a violation of the provisions of the Bill should not apply to the case of a British subject claiming in any country to be interested under any bankruptcy; but that proviso would be found to give no security to the creditor for the payment of his debts. Let him take, for instance, the case in which a foreigner owed a large sum of money to a merchant in this country. That foreign debtor might, with a view of defrauding his creditor, convert all his property into the Russian bonds in question, and unless the Government could compel him by some legal process to become a bankrupt, the creditor would have no means of having his claims liquidated, inasmuch as he could not take the Russian securities, which constituted the only property which his debtor might possess. Under these circumstances it was evident that the operation of the Bill would be completely to deprive the British subject of the power to enforce the payment of his debts. The object of the measure was to prevent pecuniary assistance being rendered to the enemy, and that was a legitimate object, but they ought to seek its attainment only by reasonable and practicable means. It had been proposed that the provisions of the Bill should apply to all Russian securities—as well to those created before as to those created after the commencement of the war. But if that line of policy were pursued, and if it should happen that we became involved in a war with all the nations of Europe, what would, under these circumstances, become of British property. Even those great contests in which this country had in former years been engaged—contests quite as important, and, he hoped, more protracted than that in which we were now engaged would be found to be—contests during whose continuance the national energy had been taxed to the utmost—no measure such as that which they were discussing had been introduced for the sanction of Parliament. The wars to which he referred had been waged under the control of statesmen of great ability, among whom was Mr. Pitt; but these statesmen had not deemed it to be their duty to legislate as the noble Lord opposite proposed to do. Mr. Pitt had not attempted by legislating with regard to minutiæ to hamper the trade or to endanger the commercial security of the country. Not alone had no such measure as that under their consideration been introduced during former wars, but no measure had had its progress through the House marked by so many amusing incidents. The history of the Bill was not a little remarkable. This Bill was originated by the noble Lord the Member for Marylebone (Lord D. Stuart), and although it had been supported more or less throughout by the noble Lord the Secretary for the Home Department, the Cabinet as a body, until quite recently, had made no sign in its favour. In the first stage of its discussion it appeared as if the hon. Member for Westbury (Mr. J. Wilson) had fascinated the Cabinet; that he had thrown them into a mesmeric trance, from which it required all the energy of the noble Lord the Secretary for the Home Department to arouse Her Majesty's Ministers. Upon a subsequent stage of the discussion that noble Lord had come down to the House, had used very strong language with respect to the arguments of the hon. Member for Westbury, and had carried the whole House with him. Then some hon. Members had signified it to be their opinion that the Bill did not go far enough; others thought that it wore the appearance of having been framed in a spirit of spite towards the Emperor of Russia; while the right hon. Gentleman the Member for Midhurst (Mr. Walpole) complained that its operation would be retrospective. The noble Lord the Member for Marylebone had denied that its operation would be retrospective, thus clearly demonstrating to the House that he did not understand his own Bill; therefore it was of no use appealing to him to solve the various difficulties that had arisen. The law officers of the Crown, when those difficulties arose, were nowhere to be found, no one knew where they were; but the probability was that they were better occupied than in trying to lick into shape this deformed Marylebone abortion. Then, when a division had come to be taken with respect to the measure, there were found some truant Members of the Government running about the lobbies, to avoid recording their vote in favour of the views of the noble Lord the Secretary for the Home Department. Those various incidents had happened upon the occasion of the first discussion of the Bill in Committee, but nobody had expected that a similar entertainment would have been provided for the gratification of hon. Members so soon after. Her Majesty's Government seemed, however, resolved to cater very zealously for the amusement of the House. On Wednesday it was that the noble Lord the Secretary for the Home Department took his benefit; but on the following Thursday another actor appeared upon the stage in the person of the hon. and learned Gentleman the Solicitor General. And if the noble Lord had rode rough-shod over the hon. Gentleman the Secretary of the Treasury, and performed his part entirely to the satisfaction of the House, the Solicitor General had certainly fallen very heavily upon the noble Lord. The noble Lord had stated that the arguments of the Secretary of the Treasury were "sheer nonsense," but the Solicitor General had spoken of the provisions of the Bill, of which the noble Lord had so warmly approved, as displaying a studious disregard of everything that ought to be attended to in drawing it up, and as requiring to be so altered, if it were to be reduced to a shape consistent with common sense and the laws of the country, that its parents would be totally unable to recognise their own offspring. He must also observe that that statement upon the part of the Solicitor General seemed to be somewhat strange, when it was considered that the Bill in question had previously been shown to the hon. and learned Gentleman by the noble Lord the Member for Marylebone, and that he had pronounced an opinion in its favour. Before them, then, was a measure with respect to which three distinguished Members of the Government entertained opinions entirely different. The Secretary for the Treasury, who was so conversant with all commercial matters, had disapproved of the Bill; the noble Lord the Secretary for the Home Department had considered the arguments of the Secretary of the Treasury as "sheer nonsense;" while the Solicitor General had declared that not one word ought to be allowed to remain of a measure to which the noble Lord had given his earnest support. The Solicitor General had spoken against a Bill of which he had previously approved; while the Attorney General, who had come down to the House to-day, did not seem disposed to regard with any high degree of favour the clause of his hon. and learned Colleague. No doubt we English were a privileged people, and it was somewhat satisfactory to find that hon. Members need not travel beyond the walls of that House in order to see with how little wisdom the world was governed. But he would seriously put it to the Committee, whether it was advisable that they should stultify themselves by legislating in a hurry upon a subject with respect to which so great a difference of opinion existed in connection with the question under their consideration? or whether it would not be the better course to pursue to postpone the discussion of the measure until noble Lords and hon. Gentlemen opposite could make up their minds as to what they intended to do, and could devise some practical mode of carrying their intentions into effect? The noble Lord the Member for London, as well as the noble Lord the Secretary for the Home Department, seemed to be actuated by feelings of almost personal animosity towards the Emperor of Russia; but he felt assured that they would agree with him in thinking that it was desirable that our legislation, even when directed against our enemy, should be consistent with a wise policy and the dictates of common sense.

Lord JOHN RUSSELL said, he thought the question now before the Committee was far more simple than the hon. Gentleman the Member for Huntingdon, with an evidently strong wish to defeat this Bill, had chosen to represent. It appeared to him (Lord J. Russell) that the question, as it had been brought before the House, was whether, it being an offence of no less than high treason to subscribe any money for the purpose of assisting in raising a loan for the Emperor of Russia, it should be a perfectly innocent act, and should constitute no offence whatever, two days after that loan had been made and the scrip issued, to take part of that scrip, and thereby, though not directly, yet evidently indirectly, assist the enemies of Her Majesty? That appeared to him to be the question now brought before the Committee. It might be said that this object should be attained in one way or in the other—that it ought to be attained by means of the words of the noble Lord who had brought forward the Bill, or those of his hon. and learned Friend the Solicitor General. He did not wish to interfere upon that question; but the point before the Committee was the simple one which he had stated. It appeared that the hon. Gentleman (Mr. T. Baring) took great offence because this Bill applied only to Russia. Well, the only reason it applied to the Emperor of Russia was, that the Emperor of Russia was the only Power with whom we happened to be at war. The hon. Gentleman said, and very truly, it was possible—but he hoped no such contingency would arise—that during the recess Her Majesty might think fit to declare war against some other Power. He (Lord J. Russell) imagined, however, if such an occasion should arise, that Her Majesty, without any reference to a thing so comparatively unimportant as a Bill of this kind, would immediately assemble Parliament. Her Majesty would never think of declaring war against any Power without assembling Parliament, and declaring the reasons for so doing. The objection of the hon. Gentleman in that respect, then, was at once disposed of. But, then, the hon. Gentleman thought that his noble Friend (Lord Palmerston) and himself could not have taken the strong part they had taken in this matter, and given their support to this Bill, without having some personal animosity against the Emperor of Russia. Now, he thought he could answer for his noble Friend as well as for himself that, having been concerned in the affairs of the country for many years, they had never thought of entertaining any animosity against the Emperor of Russia, and that, so far from this, during a great part of the time they had been in office, the most friendly relations had been maintained with the Emperor. When, however, the Emperor of Russia disturbed the peace of Europe, and became an aggressive Power against one of the other Powers of Europe, it was not to be borne that his noble Friend and he could not speak as they thought of that aggression, and support what measures they thought calculated to prevent it, without being told that they were animated by private animosities. The hon. Gentleman seemed to think it a great hardship that British subjects should not be allowed to deal with Russian scrip, but that was not the opinion of the Committee of the Stock Exchange, who had thought it right and decent, seeing that the Emperor of Russia was an enemy of Her Majesty, to forbid, by a rule of their own, any Russian scrip whatever from being dealt in publicly on the Stock Exchange. Why should the House of Commons, therefore, have less patriotism than the Committee of the Stock Exchange? If that body had done everything in their power to prevent such dealings, why should not the House of Commons go so far as to say that no such scrip should be dealt in without subjecting the offender to punishment? The hon. Gentleman said that Mr. Pitt had never proposed such a thing. Well, the measures proposed by different Governments during war, or during circumstances which approached to war, had been according to the necessities and to the policy of the time. He thought that in the course of the last century some Bill with respect to lending money to foreign Powers had been introduced, but whether this were the case or not, Mr. Pitt, no doubt, found that the enemy with whom he had to deal levied great war contributions and by forced loans carried on the war. He did not suppose Mr. Pitt found that any loan at that time was likely to come upon the Stock Exchange. If he had found that such trafficking existed, or was likely to exist, he would, without doubt, have proposed to deal with it; but no such occasion arose. But then it was said by the hon. Member for Lambeth (Mr. Wilkinson) that the only effect of this Bill would be to make the scrip of this Russian loan somewhat lower in the market than it would otherwise be. That might be the case. The scrip might be sent over to Holland and dealt in there. The practical effect of the measure might not be very great. He did not himself believe it would be very great. But he thought it would be desirable if, by an Act of Parliament, you did place at some disadvantage scrip issued for the purpose of enabling the Emperor of Russia to carry on war with this country. The measure would, it was said by the hon. Member for Lambeth, not lower the value of Russian scrip by more than $\frac{1}{2}$ per cent, but, if it did not do so by more than $\frac{1}{8}$ per cent, he thought it was proper and becoming to legislate upon the subject. Whether or no it was worth while for his noble Friend (Lord D. Stuart) to bring in such a Bill was not a question upon which he should give an opinion. The question now before the Committee was whether, this Bill having been introduced, they should think it proper that, while it was high treason to advance money to the Emperor of Russia, it should be no offence to deal in the scrip of that country.

MR. WALPOLE said, he thought that the noble Lord President of the Council entirely mistook the meaning of a remark of his hon. Friend the Member for Huntingdon (Mr. T. Baring) when he supposed that his hon. Friend meant to state that either the noble Lord himself or the noble Lord the Secretary for the Home Department were actuated by personal animosity to the Emperor of Russia in undertaking or in conducting the war. He was sure no one could have observed the conduct of both the noble Lords upon that question without feeling convinced that they were actuated solely by a sense of national honour, and a determination to preserve the independence of Europe. It appeared to him that the noble Lord had put the leading facts of that case fairly before the Committee. It was an act of high treason to negotiate a loan for a Power with which we were at war, and they were then asked to consider whether they should prevent any dealing on the part of British subjects in the scrip of a loan which had been contracted by a hostile Power. Now, he should have no objection to their attempting to effect that latter object if he thought that they could succeed in that attempt. But his belief was that they could not so succeed, and that the Bill would be inoperative, except in as far as it would hamper the merchants of this country in their commercial transactions. The noble Lord (Lord J. Russell) had said that Mr. Pitt had not proposed such a measure as that merely because he had not found any necessity for its introduction in his time. But he (Mr. Walpole) had always understood—although he could not justify the opinion by citing any positive authority upon the point—that the policy of bringing forward such a Bill had been considered by the Government of Mr. Pitt, and that that Government had not adopted that course merely because they had believed that the Bill would have been utterly impracticable. Let the Committee see whether the measure they were then considering could be carried into operation. That Bill was, as he understood, the amended one proposed by the hon. and learned Solicitor General; and under its first provisions it was enacted that—

> "If during the continuance of hostilities between Her Majesty and the Emperor of Russia any British subject shall, in any country, wilfully or knowingly take, acquire, become possessed of, or interested in any stocks, funds, scrip, bonds, debentures, or securities for money, which, since the 29th day of March, 1854, have or hath been, or which, during the continuance of hostilities as aforesaid, shall be, created, issued, entered into, or secured by or in the name of the Government of Russia, or any person or persons on its behalf, every person so taking, acquiring, becoming possessed of, or interested in any stocks, funds, scrip, bonds, debentures, or securities for money as aforesaid, shall be guilty of a misdemeanor."

Now, it seemed to him that various objections might be urged against that provision. In the first place he would ask why should they not extend it to strangers residing in this country. In the second place, he should observe that he did not see why its operation was to be confined to securities issued by Russia; and in the third place, they furnished no means of enabling parties dealing in Russian securities to ascertain whether those securities were portions of the old or of the new loan. The hon. and learned Gentleman the Solicitor General had himself thought proper to introduce an important modification of that first provision; for he had gone on to propose that—

> "The provisions of this Act shall not extend to or include the case of a British subject claiming an interest in the estate or effects of any deceased person, or the case of a British subject taking the estate or effects of his debtor in execution, or the case of a British subject claiming in any country to be interested under any bankruptcy, insolvency, sequestration, cessio bonorum, or disposition of property in trust for creditors, but that in every such case the British subject may take and receive any share, legacy, dividend, debt, or sum of money due or belonging to him, notwithstanding that the same may arise from or be produced by the sale or proceeds of any such stocks, funds, scrip, bonds, debentures, or securities for money as aforesaid."

It appeared, therefore, that in the case of the property of debtors, deceased persons, and insolvents, the Bill was not to be enforced. But such an arrangement would necessarily open the door to all sorts of evasions of the law. Thus, if a man held these securities, all he had to do was to assign them over to two trustees and then they could be sold in open market for the benefit of all the creditors. Either this would be done, or you would drive a man into insolvency for the purpose of paying his debts. Then, again, the question arose, when once you got all these securities so sold in open market—whether they were the goods of a bankrupt or of a deceased person—how could you ever distinguish between them and securities to dispose of which would constitute a misdemeanor? Then came the question as to how this matter was to be dealt with. The noble Lord the Secretary of State for the Home Department had, on a previous occasion, stated that if this Bill were rejected, it might lead to an impression that the House of Commons was not in earnest in the matter of carrying on the war. There was, undoubtedly, great force in that argument, and he, for one, consequently would not be willing to be a party to the rejection of this Bill. He would, however, suggest to the noble Lord that, instead of rejecting this Bill, the Government should bring in a general measure enabling the Queen, by an Order in Council, to forbid British subjects negotiating loans with any country with which we might happen to be at war, and placing that Power under such restriction as might be thought expedient.

Mr. WARNER said, he thought that, in the present case, as the country was only at war with Russia, the subject of loans to that Power need only be considered. He thought that the measure of the hon. and learned Solicitor General would not meet the object which ought always to be kept in view, namely, that of crippling the resources of Russia, but by the introduction of a few slight amendments it might be made all that was necessary. If it were desired to render the measure efficient, it was not desirable to endeavour to do so by mere penal enactments, but, if any transactions in Russian securities were declared void, he thought that the Bill would be rendered much more effective.

Mr. BRIGHT said, that although he had not heard the speech of the hon. Gentleman the Member for Huntingdon (Mr. T. Baring), he concluded, from the reply of the noble Lord (Lord J. Russell) to that speech, that the hon. Gentleman had charged him with having been actuated by personal animosity in the course he had pursued towards the Emperor of Russia. The noble Lord, it might be supposed, had been influenced in that case by that feeling of hostility which people frequently entertained against those who had driven them into a policy which had been beset with difficulties and failures. The noble Lord and the noble Viscount the Secretary for the Home Department were the only statesmen in Europe who had, unhappily, descended to personal vituperation of the Emperor of Russia. Their language in that respect strongly contrasted with the dignified tone preserved by the French Government throughout those transactions; and he should further observe that the French press had taken upon the same subject a line far more in accordance with decency and propriety than that which had been taken by the press of this country. The noble Lord (Lord J. Russell) had assumed that those who were opposed to this Bill were favourable to the policy of Russia, and that those only who supported it were endowed with patriotism, and he had referred to the patriotism of the Stock Exchange. Now, he (Mr. Bright) did not ascribe to the members of the Stock Exchange any more patriotism than to the rest of their fellow-countrymen, and he did not think that, because a particular course had been adopted by the Stock Exchange, that was any reason for its being adopted by that House, which ought not under any circumstance to legislate without believing that the measure agreed to would fulfil the objects which it had in view. Now, what was the case with regard to the present Bill? Every one in that House was convinced that they were engaged in discussing a sham, more complete, more hollow, and more childish than had ever been brought before any legislative assembly. No one knew that better than the noble Lord the Secretary for the Home Department, who had himself offered the measure to the House as what he called a "moral demonstration." He (Mr. Bright) thought a moral demonstration exceedingly valuable under certain circumstances; but he considered it perfectly useless when it came after vast fleets and armies had been sent forth against an enemy. There were circumstances under which he did not see how the Bill could be applied. He believed there were at present at least 1,500 British subjects carrying on in Russia, as they had a right to do, without violating our laws, various branches of business on which their means of existence depended; he took it for granted that the House did not wish to make those men criminals, or to effect their ruin; and if any of them were to deal in those Russian securities he should like to know whether they would be guilty of a misdemeanor, and whether they would render themselves liable to imprisonment? Then, again, how would they deal with the case of Englishmen having in some foreign country partners in trade who had purchased some of those securities? Were those Englishmen to be punished for acts of their partners in which they had become interested? He believed that the "moral demonstration" of the noble Lord the Secretary for the Home Department would not be effected by that Bill any more than it would be effected by a Resolution of that House declaring that every British subject who should afford assistance to Russia while Russia was at war with England would be acting in a manner hostile to the interests of his own country. By one of those provisions it was proposed that the only bonds to which the Bill should apply were those which had been issued by Russia since the 29th of March last. But what would there be to prevent the Emperor of Russia from frustrating, if he should think proper, the whole object of the measure by dating his bonds from an earlier day? The Bill would be perfectly inoperative for any useful purpose, and he hoped that the Government would not continue to press it through the House.

LORD JOHN RUSSELL said, that the hon. Gentleman had accused him of personal vituperation of the Emperor of Russia. Now, he entirely denied the justice of that accusation. He had only spoken of acts done under the authority of the Emperor of Russia; he had spoken of the note sent by Russia in answer to what was called the Vienna note, and he had spoken of the attack of Sinope, in the language which he thought those notes and that attack deserved. But he denied that his language had borne the character of personal vituperation. It had been applied, he repeated, to acts done under the authority of the Emperor of Russia, and if a Member of that House could not speak of such acts in terms of blame, there would be an end to freedom of discussion.

VISCOUNT PALMERSTON said, that the right hon. Gentleman the Member for Midhurst (Mr. Walpole) had expressed a qualified concurrence in the suggestion thrown out by his hon. and learned Friend the Attorney General, that it would be better to bring in a general Bill, giving to the Government power of dealing, by means of an Order in Council, with cases of the kind now under consideration. Now, that was certainly a suggestion well deserving of attention; but he thought the Committee would feel that at that period of the Session, when its duration was counted by days, it would be impossible for them to pass a measure which would necessarily require a good deal of consideration. The question, therefore, lay between passing the present Bill or doing nothing during the present Session. The hon. Gentleman the Member for Manchester had re-echoed the expressions of the hon. Member for Huntingdon (Mr. T. Baring), charging the noble Lord (Lord J. Russell) and himself with having been actuated in the policy they had adopted, and the language they had used towards Russia, by a mean—[Mr. BRIGHT: No, I did not say it]—by a mean and unworthy feeling of personal hostility. [Mr. BRIGHT: No.] The hon. Member had certainly said that, and so had the hon. Member for Huntingdon. But that was an egregious misrepresentation, propagated by that party in Europe which had for many years opposed the policy of this country. It was just as the hon. Gentleman the Member for Manchester had said—people were apt to get angry with those who thwarted their measures; and that was true of Governments and of States as well as of individuals. It had been a regular manœuvre of the absolutist party in Europe, when they felt that the Government of this country were pursuing a policy at variance with their views and interests, to impute to him (Viscount Palmerston) and to other Members of the Government feelings of personal animosity to particular individuals. That was just as regular a practice in diplomatic manœuvres as the thrust over guard and other movements in the small-sword exercise. He was not surprised that the hon. Member for Manchester should have adopted that practice. [Mr. BRIGHT: I did not adopt it.] But he was really surprised that the hon. Member for Huntingdon should have made himself the organ of that sort of ridiculous calumny, because he thought that if there were a man in that House who ought to have abstained from adopting that line of accusation upon the present occasion, it was that hon. Gentleman, who was known and avowed as the private agent of the Emperor of Russia. He thought, therefore, that there were circumstances connected with the hon. Member's position with regard to the Russian Government which ought to have made him abstain from casting those unjust imputations on Members of Her Majesty's Government. He, like his noble Friend (Lord J. Russell), had thought himself perfectly free to express his opinions as to the conduct of the Russian Government. If that Government happened to be swayed in its actions by one individual, the expressions he had used with respect to it might or might not apply to the individual who possessed that arbitrary power. But he certainly would not be deterred by any taunts from expressing with the utmost freedom in that House, or in any other place in which the occasion might require it, his opinions as to the conduct of foreign Governments in connection with their relations with the Government of this country. The hon. Member for Manchester was very difficult to please; because when proposals were made to resist an injury to this country, or to defend its interests by force, the hon. Gentleman opposed the employment of force, and was then all for moral demonstrations; but when he (Viscount Palmerston) recommended that Bill, because, among other considerations in its favour, it would serve as a moral demonstration, the hon. Member asked, what would the Emperor of Russia care for a moral demonstration, and told them to employ their armies and their fleets, as the only means of influencing the enemy with whom they had become engaged. That champion of peace was so very peaceable that he had objected to the war from the beginning to the end; and he would, therefore, neither allow them to proceed by military and naval demonstrations, nor even by moral demonstrations. The hon. Gentleman was perfectly entitled to his opinions; he (Viscount Palmerston) certainly did not think they were the opinions of the country; and when the hon. Gentleman told them what he had heard in private conversations with different individuals in reference to that Bill, he (Viscount Palmerston) would only say that he should be sorry to state what he had heard in private conversations in reference to the arguments of those who had opposed the Bill. He supported the Bill on the grounds he had already stated; he though this noble Friend (Lord D. Stuart) had been right in bringing it forward; but at all events it had been submitted to the consideration of the House, and its principle had been sanctioned by a very considerable majority of hon. Members; and under those circumstances he believed it would not be for the interest of the country that it should be rejected on the ground of its being open to mere verbal criticisms. His hon. Friend the Secretary to the Treasury (Mr. J. Wilson) had pointed out two Amendments which in his (Viscount Palmerston's) opinion would remove some of the objections to the measure without interfering with its principle; and if the clause should then be read a second time, an opportunity would be afforded to him or to any other hon. Member to propose any Amendments they might think proper on the bringing up of the report.

Mr. T. BARING: I wish to say a few words in explanation to the Committee. The noble Lord has stated that I am the private agent of the Government of Russia, but I beg to tell the noble Lord that such is not the case. In time of peace I have been the agent of the Russian Government, so far as the firm of which I am a member negotiating a loan for that Government could make me so; but I must remind the noble Lord that, after the failure of a well-known house, the Bank of England, on the recommendation of the late Sir Robert Peel, became the private agent of the Russian Government. If the noble Lord, therefore, means to say that I ought to be silent upon this subject on account of any connection I may have had with the Russian Government, I must tell the noble Lord that, as far as I know, my opinions are as conscientiously entertained as those of the noble Lord himself. Language may have fallen from me which went further than I intended; but what I intended to say was, that the fact of the Government having remained three months without bringing such a Bill as this before the House must be attributed to their belief in its inutility, and not to any want of animosity on their parts to Russia. I do not hesitate to say that the language of the two noble Lords, coming from such high quarters, and directed against a foreign Government with which we had been so long in intimate alliance—I do not hesitate to say that that language appeared to me at the time, and appears to me still, indecorous. But I certainly did not intend to convey the opinion that, in my humble judgment, that language was dictated by any personal spite or private animosity.

Viscount PALMERSTON: I have no wish to state anything with reference to any hon. Member which would be inconsistent with the truth. I certainly, however, did understand that the hon. Member was the private agent of the Russian Government, although not in such a manner as would be in the least compatible with the highest sense of duty; and I did understand that when a Turkish agent was not long ago in this country for the purpose of negotiating a loan for his Government, an application was made by him, among other applications, to the firm to which the hon. Gentleman belongs, and that they declined to have anything to do with that loan, on the ground of their financial connection with the Russian Government. If I have been misinformed upon that point, I should of course be glad to be corrected by the hon. Gentleman.

Mr. T. BARING: Perhaps I may just as well state that there were other reasons for our declining to engage in that loan. We did not think the security very good; we did not believe that a Turkish loan would succeed without a guarantee from England and France; and we said, in addition, that we did not think it would be becoming in us to undertake the management of such a loan, after having a few years before, negotiated a loan for the Russian Government, with which the Turkish Government was at war.

Viscount PALMERSTON: Am I to understand that the connection of the firm with the Russian Government was not assigned as a reason for declining to engage in that loan?

Mr. T. BARING: I am not aware that it was; I was not the person who communicated with the Turkish agent; but my impression is that it was not.

Lord JOHN RUSSELL: I am glad to hear from the hon. Gentleman that he does not intend to attribute the language used by my noble Friend and myself, with regard to the conduct of the Russian Government, to feelings of personal animosity. That is all I wished; and, with regard to whether that language was decorous or not, the hon. Gentleman is of course entitled to form his own opinion.

Mr. DISRAELI: I quite sympathise with what has fallen from the noble Lord (Viscount Palmerston), and with the indignation which he must feel at the imputation of personal motives influencing his political conduct. I think that is a very reasonable feeling, and I do not know any living statesman more sinned against in that respect than the noble Lord. About five or six years ago a stream of calumny in that vein was poured upon the noble Lord. The noble Lord was at that time in the responsible position of influencing the policy of this country during the occurrence of the most important events of modern times, and he was assailed by persons of position and authority on the ground that he was influenced in the course of policy which he adopted by personal motives. Now, who was the principal individual who at that time assailed the noble Lord? It was the present Prime Minister of England, under whom the noble Lord now holds office. And who were the persons who supported those calumnious accusations? They were the followers of the present head of the Government, and are now colleagues of the noble Lord. I merely recall the attention of the Committee to this circumstance in order that they may do justice to the amiable disposition of the noble Lord; and they, perhaps, may feel that the indignation which has been lavished upon a chance, and probably misunderstood, phrase, might have been directed against those much more entitled to be complained of than my hon. Friend the Member for Huntingdon.

Mr. VERNON SMITH said, he had understood the hon. and learned Attorney General to say that, at this period of the Session, it was a waste of time to indulge in personalities; and he would go further, and say that, at this period of the Session, it was a waste of time to continue to discuss a measure like the present. It was not, in his opinion, consistent with the proceedings of that House that an entirely new Bill, such as this in reality was, should be introduced in Committee. He would ask any hon. Member who had read the Amendment if this was not a completely new Bill? The Bill was one which, in his opinion, would not do the least possible harm to the Russian Government, but which would recoil on this country, and he would put it to his noble Friend whether it would not be better to withdraw the present Bill, and to bring in a short Bill on the subject.

Mr. J. A. SMITH said, he was one of those who came down to the House prepared to give his most hearty support to the Bill of the noble Lord the Member for Marylebone; and for this reason, that he thought an act which was admitted to be treasonable should not escape without punishment. The discussion which had taken place had very strongly confirmed that opinion, and he was astonished that the hon. Member for Huntingdon, in his amusing and ingenious speech, had directed his attention more to the manner in which the Bill had been introduced than to the principle of the Bill itself.

It was a remarkable fact that every Member who had spoken against the Bill, having drawn the most lamentable picture of the evils to English commerce and to individuals, which would arise from the measure, stated at the same time that the Bill should be made general, and that they would be prepared to support it in that shape. He could not understand what effect such a general Bill could have except to increase indefinitely the very evils which were apprehended by those hon. Members from the operation of the present measure. He was greatly astonished at some of the objections which had been urged against the Bill by the right hon. Gentleman the Member for Midhurst (Mr. Walpole). The right hon. Gentleman had stated that executors were to be enabled to hold Russian stock, that they were to have the power of selling that stock, and that, therefore, the Bill would be inoperative, at least so far as such cases were concerned. But the right hon. Gentleman seemed entirely to forget that the Bill interdicted the purchase of such stock. [Mr. WALPOLE: The Bill does nothing of the kind.] At all events, although executors might sell, the power of buying was taken away, the purchase of Russian stock being in fact made a penal act. It was upon that very ground that he supported the present Bill. The hon. Member for Peterborough (Mr. Hankey), in his eagerness to defeat the Bill, had stated that if the power of negotiating loans was taken away from Russia, it would be utterly impossible for Russia to pay the dividends upon her existing loans. Well, the answer to that was this—that while the inconvenience produced to the holders of Russian stock would give him great pain, he could not but feel that it was the duty of the Legislature to do everything they could to cripple the resources of Russia at the present moment, and that no consideration affecting private individuals should be allowed to stand in the way of the attainment of that great and important object. He believed it to be right that Russian loans should not be negotiated in England, and that being so, he thought that the purchasing of such securities by British subjects should be held to be an act punishable by fine or imprisonment.

MR. BARROW said, the Bill had been denounced as a measure interfering with private property. But private property was only interfered with if it existed at the present moment in the hands of any British subject. He challenged the opponents of the measure to show that such property was held at present by British subjects. The object of the Bill was to prevent the holding of Russian stock in future, and he denied that any executor could sell any such stock in future in the English market. [Mr. WALPOLE: Yes, he could.] If that was so, the clause proposed by the hon. and learned Solicitor General differed to that extent from the Bill as originally introduced by the noble Lord the Member for Marylebone.

MR. MASSEY moved that the Chairman report progress.

MR. BRIGHT said, before the question was put he wished to have one matter explained by the hon. and learned Attorney General. It was well known that many English houses had partners abroad who were not British subjects. As he (Mr. Bright) read this Bill, it appeared to him that these partners in foreign countries, not British subjects, becoming possessed of securities of this nature, it was clear the Englishman residing at home would be interested in them, and therefore would become liable to the provisions of this Bill. He wished to know if such would not be the effect?

THE ATTORNEY GENERAL said, he had no hesitation in saying that an Englishman would not be affected by what was done by the partner abroad, unless he adopted the act as that of his own.

LORD DUDLEY STUART hoped the hon. Gentleman would not press his Motion for reporting progress.

LORD SEYMOUR said, he thought it well that he should. He preferred the Bill of the hon. and learned Solicitor General to that of the noble Lord (Lord D. Stuart), and therefore hoped a division would be taken on the question of reporting progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 30; Noes 88: Majority 58.

MR. T. BARING said, that under the terms of the clause a British subject, being a stockbroker at Amsterdam or elsewhere, would be obliged to refuse to sell Russian stock for any of his customers. He thought that would operate as a great hardship.

THE ATTORNEY GENERAL said, he would admit that a British subject, though a stockbroker resident abroad, would be liable to the penalties of the Bill if he transacted business of the nature described; but it was impossible to make a distinction between stockbrokers and other persons. He intended to add a proviso to the clause, declaring that nothing therein contained should preclude the acceptance of Russian Government notes used as a circulating medium in the Russian dominions, so far as the same might be received by British subjects resident therein.

Mr. HENLEY said, he begged to inquire whether a foreigner who had purchased Russian scrip after the passing of this Bill would be liable to be apprehended and imprisoned, in the event of his coming over to this country at any subsequent period.

The ATTORNEY GENERAL: Certainly not; because he would not come under the description of a person residing in this country at the time when the act was done.

Mr. WALPOLE said, the answer of the hon. and learned Gentleman increased the difficulty, inasmuch as a foreigner who had purchased Russian stock abroad, and who had subsequently come into this country, might dispose of such stock to parties residing here.

The ATTORNEY GENERAL said, a foreigner could not do so, because he would get no person to buy his stock.

Mr. WALPOLE said, the executors of deceased persons and the assignees of bankrupts were excepted from the provisions of the Bill. Now, it would be necessary that those parties should be at liberty to dispose of the Russian stock in their hands, in order that the proceeds might be distributed, in the one case among the relatives of the deceased persons, and in the other among the creditors of the insolvents; and that being so, those securities might possibly find their way into the English market, and it would be impossible to distinguish them from securities which had been knowingly and wilfully acquired by other persons not executors or assignees.

The ATTORNEY GENERAL said, the difficulty presented by the right hon. Gentleman arose from an assumption that securities held by executors or assignees might find their way into the English market. He did not see any possibility of that. He admitted that it would be necessary for executors and assignees, in the discharge of their duty, to sell such property; but they could not do so in England, inasmuch as it would be illegal for any party residing in this country to deal in them.

Mr. WALPOLE: Then I suppose these securities must be sold abroad.

The ATTORNEY GENERAL: They must.

Mr. SPOONER said, it appeared to him that the dealings of executors and assignees in Russian securities were excepted altogether from the provisions of the Bill.

The ATTORNEY GENERAL said, it was not so; the acquisition of such property by executors and assignees was only exempted from the penalties contained in the Bill.

Mr. HENLEY said, he feared the words "British subject claiming an interest in the estate or effects of any deceased person" would not include executors.

The ATTORNEY GENERAL said, in the majority of instances these would be cases of persons dying abroad, and as the mode of administration differed, and in many countries there was no such thing as executors, it was necessary to use general words, but he thought these words would include executors.

Sir FITZROY KELLY said, he had been unavoidably absent when the discussion took place on the second reading of the Bill, but he wished to take the earliest opportunity of stating that, even with the safeguards which it was the object of the clause to create, the Bill appeared to him to be most dangerous and unjust in its tendency. He agreed with the hon. and learned Gentleman that these words would include executors. There was another case not provided for. Suppose a British subject to be connected with a foreign house—say at Hamburg or at Amsterdam—and that that house should acquire an interest in property of this description, he thought the Bill, as at present framed, would operate most unjustly towards that person; and would expose such British subject, who was perfectly innocent, to great inconvenience. He might be one of a firm of four or five, all the rest being Germans, and who, as foreign merchants, might abroad do acts which an English subject in this country could not legally do. How was that English partner of this foreign house to be affected? His partners might contract a loan with the Emperor of Russia. The British partner would have no power to prevent it, nor could he immediately dissolve partnership, and thus he might against his will become a subscriber to a foreign loan and a purchaser of foreign stock, which act was rendered penal by this Bill. He could not help saying, generally, that he considered the Bill itself to be totally unnecessary. It did not prohibit by law anything which was not prohibited by law already, and it did not make that a criminal offence which was not already a criminal offence. He hoped, at all events, that his hon. and learned Friend the Attorney General would turn his attention to the case he had suggested, which was no imaginary case, as he knew of the existence of one exactly as he had described it. If the Bill passed at all, this exemption clause ought to go a great deal further, and comprise every possible case in which persons might innocently become interested directly or indirectly in Russian stock.

THE ATTORNEY GENERAL said, that the case which had been put by his hon. and learned Friend was one of the difficulties which must necessarily arise, and was one, therefore, which ought to induce hon. Members to consider whether they would assent to the Bill or not. It was impossible to carry the exceptional clause any further. But, if a partner should repudiate the acts of his co-partners in any transaction such as had been put by his hon. and learned Friend, he thought that might prevent his becoming liable under the provisions of this Bill. With regard to the objections which had been urged by the right hon. Member for Oxfordshire (Mr. Henley), he promised to give them the fullest consideration before they proceeded further with the Bill.

MR. T. BARING said, he thought that the provisions of the Bill would throw a great impediment in the way of trade, and would make the transactions of English merchants with neutral countries most insecure. It often happened that an English merchant could obtain no other security for his claims on a foreign merchant than the transference of shares and scrips of the description which this Bill dealt with, and which the English merchant was very glad to obtain. But if those securities were not available in his hands, it might probably happen that he would not be able to meet his engagements in this country, and thus he might himself be made a bankrupt, although he might be perfectly solvent, supposing such an Act as the one under discussion had not passed into a law.

SIR FITZROY KELLY said, the objection was perfectly unanswered. The truth was, the law already was quite sufficient to prevent English merchants making themselves original parties in these loans, but if impediments were to be thrown in the way of commercial operations, by forbidding these being received, he would endeavour to make the measure as little mischievous as possible, by introducing a clause on the bringing up of the report. Should that clause be rejected, he would divide the House against the Bill.

Clause, as amended, *agreed to.*

LORD DUDLEY STUART said, he wished to ask, now that the original clause in the Bill had been struck out, and one prepared by the law officers of the Crown had been substituted, whether the Government would not be prepared to take the Bill into their own hands, and relieve him from all further responsibility?

VISCOUNT PALMERSTON said, he supposed the Government must accede to the request of the noble Lord.

LORD DUDLEY STUART said, he was very glad to hear that statement, and he had no doubt this measure, which had been called the Marylebone abortion, would grow up to maturity, and render good and efficient service to the country.

MR. HENLEY said, he thought it would be only right that, instead of the names of the noble Lord (Lord D. Stuart) and of the hon. and learned Member for Youghal (Mr. I. Butt), the names of the noble Lord the Secretary of State (Lord Palmerston) and of the hon. Secretary of the Treasury (Mr. Wilson) should now be put on the back of the Bill.

House resumed.

Bill *reported;* as amended, to be considered on *Friday.*

PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES (No. 2) BILL.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER, in moving the second reading of this Bill, said it represented exactly the Bill which went up to the other House, with certain changes suggested by the Committee of the Lords, to whom it was referred.

MR. MACARTNEY said, he objected to the Bill as unfair and inequitable. It brought into the Estimates the salaries of officers who were entitled under Acts of Parliament, and whilst excepting some officials in England, included others of similar position in Ireland. He thought it would be much better, and much more satisfactory to those Gentlemen who opposed the

Bill upon principle, if the right hon. Gentleman would take the whole subject into consideration between this and the next Session, and then present the Bill in an amended form.

COLONEL DUNNE said, as a proof that his objections to this Bill had not been unreasonable, he might refer to the fact that the Government had consented to strike out of the schedule every one of the offices which he had contended ought not to remain in it, namely, offices of a judicial character in Ireland. He had maintained that those offices ought not to be subject to the annual Vote of Parliament, and that principle had been conceded. He should not offer any opposition to the second reading of the Bill in its amended form, but he was authorised to say that many Members of the House of Lords did not look upon the alterations by the Select Committee of that House as meeting all the objections which might fairly have been made to the measure, but regarded them merely as specimens of the kind of alteration which it required.

Bill read 2°.

SUPPLY—ORDNANCE ESTIMATES.

Order for Committee read.

House in Committee.

(1.) 1,040 additional men, Royal Artillery.

CAPTAIN LEICESTER VERNON said, he rose for the purpose of directing attention to the recent appointment of Sir Hew Ross to the office of Lieutenant General of the Ordnance, over the head of his senior officer, Sir John Burgoyne. He felt it to be his duty, as one of a corps over which Sir John Burgoyne presided, to bring this subject under the consideration of the Committee. He did this with no feeling of personal hostility to Sir Hew Ross, it referred to military discipline alone, and his object was to ascertain why, in this case, the rules of the service had been departed from, and a junior officer been placed in command of a senior officer, contrary to the custom of the service, and to the terms of Her Majesty's regulations. He was aware that the Crown, in the exercise of its prerogative, had power to make any such appointment, but he trusted he might be permitted to inquire why, at such a time, at the commencement of a great war, so large a deviation from the regulations of the Army should have been advised, a deviation affecting injuriously an officer of high rank and long standing? It would be in the recollection of the Committee that, at the outset of the war, Sir John Burgoyne was despatched on a special mission to the East to examine and report upon the seat of war. The Committee might not be aware that, in his position as Inspector General of Fortifications, he could in no way be expected to undertake such a duty; nevertheless he volunteered his services. How those services were performed and appreciated his superior could state. As long as he continued so employed, the Master General of the Ordnance, Lord Raglan, who had been appointed to command the British forces in the East, remained in England, receiving the information transmitted by Sir John Burgoyne. When he returned Lord Raglan took his departure. Now, the absence of the Master General from his office necessitated the revival of the Lieutenant Generalship of the Ordnance—a strictly military position; and a few days previously to the return of Sir John Burgoyne his junior officer, Sir Hew Ross, was appointed Lieutenant General of the Ordnance, thus placing him in immediate command of the Inspector General of Fortifications. The two offices were closely and intimately connected. In the absence of the Master General, the Lieutenant General of Ordnance was in daily communication with the Inspector General of Fortifications, and thus Sir John Burgoyne had daily the mortification of being commanded by, and of receiving the orders of, an officer of inferior rank. When he said an officer of inferior rank, he did not mean inferior in departmental, professional position, or in military merit; he meant merely in rank in the Army. Now, for a superior officer to be under the command of an inferior officer was contrary to the custom and usage of the service, and could not fail to be detrimental to good discipline. It was understood that his Grace the Duke of Newcastle, the Secretary for the War Department, had said that the reason Sir John Burgoyne was not appointed Lieutenant General of the Ordnance was, that it was desirable to keep him free, so that his valuable services might be available for the East—a most reasonable arrangement. Now, however, it was said that he could not be sent to the East, because his valuable services were so much required at home. That he (Captain Vernon) could readily believe; but was it reasonable or just that this officer's great abilities should thus be made to cut two ways—and in both ways against himself? Was it reasonable or just that, for the good of the service, he should be placed in a position not recognised by the service—that of a superior officer commanded by an inferior officer? It was not for him to give an opinion of Sir John Burgoyne's qualifications—that officer had a world-wide reputation. His honours were gained by the sword. His Star of the Bath was obtained when that decoration proclaimed eminent services in the field. The orders he wore did not more adorn his merit, than by his merit they were adorned. That merit was recognised in this kingdom, in France, and in the East, the quarter where last he was employed. In justice, then, to that merit, to a service extending over more than half a century, and in justice to the corps of Royal Engineers, which was proud to have Sir John Burgoyne at its head, and which felt a slight to him as a wound to itself, he asked for such an explanation of the appointment as would vindicate Sir John Burgoyne and the authorities.

MR. MONSELL said, he trusted he need not assure the hon. and gallant Gentleman that the Government had not intended to cast any slur upon Sir John Burgoyne. It was impossible that any one could imagine that they had intended to do otherwise than to pay him that high respect which was due to his distinguished services. But really in this case the arrangement had been made entirely by Lord Raglan before his departure, and the Government had very justly considered that Lord Raglan was the proper person to decide who should fill the office of Lieutenant General of the Ordnance during his absence. Lord Raglan was the last person in the world to do an act of injustice to any man, least of all to Sir John Burgoyne; and he was sure, therefore, that the Committee would feel that the Crown had done nothing improper in the exercise of its prerogative.

MR. MACARTNEY said, that those who had been acquainted with Sir John Burgoyne in Ireland deeply felt the slur which had been cast upon him, and he regretted to find that it had been the act of Lord Raglan.

THE CHANCELLOR OF THE EXCHEQUER said he was certain that his hon. Friend Mr. Monsell) had not intended to throw upon Lord Raglan the responsibility of this appointment, which was the act of the Government. His hon. Friend had referred to Lord Raglan, not as the person who was entitled to make the appointment, but as the person to whom the Government would look for advice, and the appointment was not the act of Lord Raglan, but of the Government, who were solely responsible for it. He would venture, with great respect, to intimate that he doubted whether much advantage arose from desultory discussions of this nature relating to an appointment of such importance. This was an act which had been done by the Crown in the exercise of its prerogative in reference to an office of very high class; the feelings of the persons who were the subjects of discussion were deeply interested in any matter of this kind; and, although he had not the slightest doubt of the friendly feelings towards Sir John Burgoyne with which the hon. Gentleman who last spoke had addressed the Committee, he much questioned whether observations of the kind the hon. Gentleman had made tended to improve the position of Sir John Burgoyne in the face of his countrymen. This act had been done in conformity with the wishes and advice of Lord Raglan, and as Lord Raglan was at a distance from the country, engaged in the discharge of most arduous duties, it was well for them to be cautious with respect to what fell from them on the subject in desultory discussion. If the prerogative of the Crown had been misused, the misuse was of so serious a nature that it ought to be made the subject of a distinct Motion, and of a formal, not of an accidental, discussion; but the prerogative had been used after a full consideration of all the circumstances of the case, and of the peculiar aptitude of Sir John Burgoyne for the most important office which he at present held. The Government would have been guilty alike of blindness and of ingratitude if they had come to any resolution, except under a sense of the distinguished merits of the excellent officer who had been spoken of by the hon. and gallant Gentleman (Captain Vernon) in terms which his great merits fully justified.

CAPTAIN LAFFAN said, he trusted that the Committee would not think him presumptuous if he ventured to say a few words upon this subject, notwithstanding what had just fallen from the right hon. Gentleman the Chancellor of the Exchequer. When the appointment of the present Lieutenant General of the Ordnance was first announced, very great surprise was felt, not only among the officers of the Royal Engineers, but throughout military circles generally, that so distinguished an officer as Sir John Burgoyne should have been placed under the orders of one junior to him. Upon that occasion he (Captain Laffan) had placed a notice upon the paper of the House announcing his intention to ask for an explanation, for he felt that, without an explanation, the appointment of an officer junior to Sir John Burgoyne to command the Ordnance corps in the absence of Lord Raglan would appear to be a slur upon Sir John Burgoyne's reputation, whereas it was most probable that the Government had in no way intended any such slight, but had acted upon reasons which, if they could be made public without inconvenience to the service, might redound to the credit both of the Government and of the gallant officer who had suffered this apparent slight. Influenced by these feelings, he had sought an interview with the noble Duke the War Minister, and laid before his Grace the reasons which induced him to seek for an explanation of the appointment, and expressed a hope that his Grace might be willing and might be able, without detriment to the public service, to cause such explanations to be given as would relieve the minds of the officers of a numerous and distinguished corps from the painful impression which would otherwise prevail that they had been slighted and injured by the injustice done to their chief. His Grace was pleased to say that the explanation was easy—that the apparent slight put upon Sir John Burgoyne was really, when rightly understood, the highest compliment the Governcould pay him, and that the arrangement had been made in this way—that at first it had been intended that Sir John Burgoyne should have gone out as second in command of the army in Turkey, and that it was only on Sir John Burgoyne's return from his tour of inspection of the countries which were about to become the theatre of war that the Government had altered their intention; and his Grace was pleased to add that he was not unwilling himself to take all the responsibility of having detained Sir John Burgoyne in England; for that Sir John Burgoyne from his great experience, his intimate acquaintance with the Ordnance service, and the local knowledge of the East which he had just gained, was a person to whom the Government could at all times look with confidence to advise them in any contingencies which might arise. His Grace added that, while it had become necessary to detain Sir John Burgoyne for the present in England, it was still inexpedient to place him at the head of the Ordnance service, as the Ordnance Department would be called upon to render great services during the war, and it was desirable, therefore, that the direction of that department should be disturbed as little and as seldom as possible; that the Government could not, therefore, place it in the hands of Sir John Burgoyne, whose services they wished to have free and immediately available whenever a necessity might arise, for no one could foretell the future, and England might have to exert her strength upon other shores and to send out other expeditions, and the Government deemed it expedient to keep Sir John Burgoyne ever in readiness to take command of an expeditionary force. He had felt the explanations which his Grace had been pleased to give to be at once so satisfactory to the corps of which Sir John Burgoyne was the greatest ornament, and so complimentary to that gallant officer, that he expressed a hope that his Grace would cause a similar explanation to be given in that House, and he understood from his Grace that if he gave notice to the noble Lord the leader of the House of his intention to ask the question, his Grace would arrange that a reply similar in purport should be given. Had that been done, it was most probable that the desultory discussion of which the right hon. Gentleman the Chancellor of the Exchequer had complained would never have taken place; but, instead of giving an explanation similar to that given by the Minister of War, the noble Lord the leader of that House, in the exercise of that discretion which his position and his great experience fully entitled him to use, had confined himself to saying that the appointment of the present Lieutenant General of the Ordnance had been made with the concurrence of Lord Raglan and of Lord Hardinge, and that, of course, the Government could not be expected to give any further explanation of it. He could only express his regret that upon that occasion the noble Lord the leader of the House had not deemed it expedient to give a more full explanation.

COLONEL DUNNE said, that no one who knew anything of Sir Hew Ross and Sir John Burgoyne but must regard them personally, and entertain the highest regard for their distinguished services. But anything affecting Sir John Burgoyne was strongly felt in Ireland, where it was not forgotten how much he had done during the famine, and whose conduct on that occasion had caused him to be regarded with affection in that country. The whole of the explanation which had been given amounted to this, that Sir John Burgoyne was so useful in his present position that he was a sufferer by it. He wished to ask the hon. Clerk of the Ordnance (Mr. Monsell) how it was intended to dispose of the additional men proposed for the Artillery—were they to be added to each company? He perceived an estimate for a sum to Mr. Whitworth for improvements in gun-barrels, and he wished to urge the necessity of liberality in paying persons who made experiments in improvements of small arms, which he thought should be encouraged as much as possible.

MR. MONSELL said, that it was intended to add ten men to each company of the Artillery. With regard to the improvement of small arms, he thought no great fault could be found with his right hon. Friend the Chancellor of the Exchequer on the score of want of liberality, for he had refused him (Mr. Monsell) nothing that he asked since he had been connected with the Ordnance, and large sums had been spent in remunerating persons for successful experiments. It would not, however, do to advance money for the purpose of making experiments. All that the Government could do was to reward those making them when they were successful.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped that the Committee would bear in mind that the case of Sir John Burgoyne ought not to be considered as if it happened when all the military departments were in a fixed state. At that time the change in the department of the War Minister was going on, and there might have been such a rearrangement of departmental offices as might have made it a very left-handed compliment to Sir John Burgoyne to have placed him in a position from which he might in consequence of other changes have been soon removed.

COLONEL DUNNE said, he did not say that the Crown could not appoint junior officers to commands over the heads of seniors, and, indeed, the Committee of that House had recommended that appointments should be made according to merit and capability. He did not question the prerogative of the Crown in this respect, nor did Sir John Burgoyne.

MR. NEWDEGATE said, he hoped the Ordnance Department would lose no time in pressing forward the supply of arms from the manufactories of the country.

Vote *agreed to*; as were also the following votes—

(2.) 58,139*l.*, Charge of additional men, Royal Artillery.

(3.) 31,000*l.*, Small Arm Factory.

(4.) 6,552*l.*, Brevet.

(5.) 840,785*l.*, Customs.

(6.) 479,320*l.*, Coast Guard.

(7.) 1,154,594*l.*, Inland Revenue Department.

(8.) 52,769*l.*, Revenue Police, &c., Ireland.

(9.) 1,525,335*l.*, Post Office.

(10.) 500,000*l.*, Supplies.

House resumed.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, August 3, 1854.

MINUTES.] PUBLIC BILLS.—1ª Militia (No. 2); Militia (Ireland); Judgments Execution, &c.
2ª Bribery, &c.; Stamp Duties.
3ª Inclosure, &c., of Land; Standard of Gold and Silver Wares.

BRIBERY, &c., BILL—RESOLUTION.

THE DUKE OF NEWCASTLE: My Lords, in moving the Resolution which shall enable your Lordships to give a second reading to the Bribery Bill, notwithstanding the Resolution passed by this House on the 2nd of May last, I am not aware that I can add much to the observations which I made to your Lordships on a former occasion, when the Bill was read a first time. When the discussion arose on Monday last as to whether there were any circumstances that would give this Bill a right to proceed, notwithstanding the Resolution to which I have referred, I stated that the main reason on which I grounded my appeal to your Lordships to read this Bill a second time was, that the writs for five boroughs had been suspended by the other House of Parliament, and that the issue of them mainly depended upon legislation on this question taking place. Before, however, touching upon that question, I must observe, that I think the Resolution to which we came in May last was misconstrued by the noble Earl opposite (the Earl of Derby), when this question was last discussed. The noble Earl said that it was impossible to represent this measure as one of recent urgency, inasmuch as the circumstances on which it was founded had existed throughout the whole Session. Now, undoubtedly, if the word "recent," in the Resolution, applied to the word "urgency," I should agree with him; but I must say that I think that the House will be satisfied that the Resolution, either grammatically or intentionally, does not bear that construction. I am sure the noble Lord who drew the Resolution will bear me out in saying that this was not the intention of the Legislature, for I recollect that when he first gave notice of his intention to move the Resolution, I had a discussion with him in private, not only as to the object, but also as to the principle and the probable result of passing a Resolution of this kind; and I certainly understood him — otherwise neither I nor the Government would have been a party to it—that the word "urgency" was left free from being coupled in construction with the words that precede it. Besides that, I apprehend that, grammatically, the Resolution does not bear any such interpretation. The words of the Resolution except Bills from its operation when the circumstances which render legislation on the subject-matter expedient "are either of such recent occurrence or urgency as to render the immediate consideration of the said Bill necessary." It is, therefore, clear that the Resolution contemplates two cases—one, when the circumstances which render legislation necessary are of recent occurrence; and the other, when the measure is of urgency in itself. Now, I apprehend that the proceedings connected with the suspension of the writs in question are sufficiently well known to render it unnecessary for me to do more than re-state to the House the arguments which I advanced on Monday last; but I may add, that I did not quite accurately set out the grounds of the origin and intention of the other House of Parliament with respect to their Resolution referring to these writs. Early in the present Session a Bill was introduced by the Attorney General for the disfranchisement of such voters in the boroughs of Cambridge, Canterbury, Hull, Maldon, and Barnstaple, as had been proved before the Royal Commissioners appointed to inquire into those boroughs to have been guilty of bribery. After considerable discussion in the House of Commons these Bills were withdrawn, and upon their withdrawal a Resolution was passed—I believe without observation, at all events without a dissentient voice—that no writ for any of those five boroughs should be moved without seven days' notice having been previously given; it being distinctly understood by the House that the object of that Resolution was to give them time to consider any question that might be raised with respect to the issuing of the writ, pending the passing of this Bill, which was then before a Select Committee of that House, and which it was hoped would for the future put an end to the systematic bribery that had prevailed. That such is the view which the House of Commons took of the matter is an admitted fact, which no one will contravene; but I may mention in corroboration of the statement I have made, that Sir Wm. Jolliffe having given notice that he would, on Monday last, move the issue of a new writ for one of the boroughs, he was asked in the House of Commons whether it was his intention then to move the writ in pursuance of the notice. He replied in the negative, stating that he should postpone his Motion to a future day, in order to see what would be the fate of the measure for the suppression of bribery. I think that this occurrence, which took place only on Monday last, is conclusive with respect to the object which the House of Commons had in view when they passed the Resolution for suspending these writs. It was remarked on Monday last, by one of your Lordships, that the length of time consumed by the House of Commons in the discussion of this Bill, was in itself conclusive against your Lordships passing it in such haste as must necessarily be the case if it is passed before the close of the Session. I think, however, that there is not much validity in an argument of this kind with reference to any Bill, and especially with reference to a Bill that so peculiarly affects the constitution, and privileges, and character, of Members of the House of Commons. But I have often heard the very converse of this proposition made use of in this House as an argument against pressing Bills at the end of the Session. It has been said that Bills have been brought into the House of Commons at so late a period of the Session, and that so little discussion upon them has taken place, that it is quite impossible they can have been properly considered by that House, and that it is therefore wrong to press them on the consideration of this House. And if your Lordships are to be influenced by considerations of this kind, I think that this is a much better reason for postponing a Bill than that which was put forth on Monday last. We have not always been so unwilling to undertake the consideration of Bills of great importance, and to pass them through this House with great rapidity, and that, too, not under any pressure on account of the lateness of the Session, but even for the convenience of individual Members of this House. I will only state, as a simple matter of fact, that the second reading of the Oxford University Bill—one of great importance, no doubt—was taken in one day, and that, too, an early one after it had been brought up from the House of Commons, and that on the following day—a most unusual course—we went into Committee upon it, in order to suit the convenience of the noble Earl opposite (the Earl of Derby). These are matters of courtesy due from one side of the House to the other; and provided the public interests do not suffer, they may well be admitted. I merely mention the circumstance, to convince your Lordships that if for such a reason the Oxford University Bill was hurried through two important stages in this House, no complaint should be made at the Government now asking you to consider the Bribery Bill. I must say that I do think there is little reason for complaining that the same measures should now be taken with respect to a Bill that comes from the House of Commons, after being carefully considered not only in the ordinary form of a Committee of the whole House, but also by a Select Committee composed of many of the most competent Members of that assembly. It is really worth while to mention the Members who composed that Committee, in order to show that this is not such a crude and ill-digested scheme as it is represented out of this House, as well as in it. The Chairman of the Committee was Mr. Walpole, the Secretary for the Home Department under the administration of the noble Earl opposite; and amongst the other Members of the Committee were Lord John Russell, Sir Fitzroy Kelly, the late Solicitor General, the present Attorney General, Mr. Bright, Mr. Vernon Smith, Mr. Phinn, and Mr. Ball. These names are, I think, sufficient to show that the Committee was fairly formed from both sides of the House, and that it was competent to arrive at a satisfactory conclusion on this difficult and long-mooted question. It is no doubt true that an unusual circumstance, which all must admit to be inconvenient, took place in the House of Commons. Some very important alterations were made in it after the third reading; and these, no doubt—though on examination of the Bill they do not seem to affect its principle to the full extent which I apprehended when it first came from the House of Commons, have in one respect materially changed its character: it must, however, be remarked that this change is in the direction of diminishing some of its most stringent provisions. In order, therefore, to meet the difficulty which your Lordships feel with respect to passing this Bill, I shall, if your Lordships agree to the second reading, and we go into Committee upon it, propose to make it a temporary measure, and to limit its operation to two years; in order that, if any alterations which have not been sufficiently considered have crept into it, there may not only be time for their reconsideration, but that in fact their reconsideration may be forced upon Parliament. I think that making a measure of this kind temporary has on former occasions been attended with great convenience and practical benefit, and quite independently of the lateness of the Session I should have been prepared to recommend such a course. When Sir Robert Peel introduced an important alteration into the Grenville Act, the Bill which he proposed for that purpose received very careful consideration; but two or three years afterwards it was again brought before the House, and was passed in its present permanent shape, with such alterations and amendments as experience had shown to be requisite. If, then, your Lordships consent to this Amendment, and pass this Bill for two years only, every danger will be obviated, and you will at the same time accomplish that most desirable object of providing by the best means in your power against the recurrence of that systematic bribery which has heretofore prevailed in the five boroughs to which I have referred. When I said that it was quite clear that the suspension of these writs had reference to this measure, I should have added that the Bill contained within itself conclusive proof on that head; for by the 15th clause, constituting a new officer in the election auditor, your Lordships will find that those five boroughs are specifically referred to, the appointment of the election officer being made requisite at an earlier period than elsewhere in these five boroughs, in order that the Bill may be brought into operation there when the suspended writs shall be issued. Although this Bill is no doubt in many respects of great importance, its provisions are by no means of a complex character. It is not like the Bills affecting the tenure of land in Ireland which were before the House at the latter end of last Session. Undoubtedly the character of those Bills was such that considerable time must be occupied in Committee if any *bonâ fide* opposition should be raised to their details. That, however, is not the case with this Bill. Its provisions, though of great importance, are few in number, and there is not a Member of your Lordships' House who will pretend to say that if this Bill had come before them in the middle of the Session, and when the attendance of Peers was usually greatest, the Committee upon it would have been at all likely to last more than one night. Under these circumstances, there is no pretence for saying that there is no time to investigate the details of this Bill. And when your Lordships recollect the complaints which exist within the walls of Parliament, and still more without them, as to the prevalence of bribery, which is believed to have extended of late years, I do not think that you are likely to refuse a second reading to this Bill, and to throw legislation over to another year; in the first place, because such a course would be very likely to be misrepresented in the country and in the other House; and, in the second place, which I know will be a stronger inducement to your Lordships, because you would be putting off for a year, if not for a longer period, a legislative measure which those who have had most practical experience in these matters believe to be most likely to check a system which has become so great a stain and disgrace upon the character of the constituency of this country. Even, indeed, if bribery has not extended as much as the public believe, it has from circumstances become much more patent to the world; and, therefore, as regards its moral effects on the country, much more prejudicial. I have no doubt that recent legislation has tended to bring before the public many practices which passed unobserved in past years. I believe that the amendment of the Grenville Act, which was passed by the late Sir Robert Peel, and to which I have already referred, was the first step to bring these cases of corruption more tangibly and obviously before the public eye; and I am confident that the measure which, at the instigation of Lord John Russell, was passed three or four years ago, and by which inquiry, by Royal Commission, was authorised to be made into the existence of corrupt practices in boroughs, under certain circumstances, had tended still more to bring these cases under the notice of the public. But if you say that there has been, in reality, no extension of corruption, but that we merely hear of it more now than formerly because the Legislature has made it more patent, I contend that the only conclusion deducible from that argument is, that the Legislature having heretofore brought these crimes and offences to light, it becomes now more imperative upon Parliament to deal with them, and to endeavour to check them by the best means in our power.

I will now draw your Lordships' attention to the principal enactments in this Bill, and to the chief alterations that have been introduced into it in its passage through the other House. One of the most important features in this Bill is certainly one that should recommend it to your Lordships' favour. I have often heard it stated in this House that Bills entailing heavy penalties required the most careful consideration, and I think that is a valid argument. But, so far from increasing penalties, this Bill diminishes those which exist in every instance. The legislation affecting bribery has heretofore failed in a great measure, as I believe, from the excessive weight of the penalties inflicted. They have been, especially as regards the poor voters, of so onerous a description, that there has been a feeling adverse to putting them in force; and I believe that the measures against bribey have failed as much from this cause as from any other. This measure, however, proceeds on a different plan; and, instead of inflicting heavy penalties either on the person offering a bribe, or on the person accepting it, it proceeds on what I believe to be a much sounder principle of legislation, and one much better adapted to human nature, and rather endeavours to render unattainable the objects sought by the briber and the bribed, than to punish those who engage in either the one crime or the other. Another provision in this Bill, and one which strongly recommends it to those who have sat on Election Committees, provides not merely for erasing from the list of voters the principals who have been found guilty of bribery, but for placing them on the registry of voters on a separate list, so that they shall be held up to the public remark and the observation of their neighbours. There has been, as cannot be unknown to your Lordships, great difficulty in dealing with this offence by Committees of the House of Commons, in consequence of its undefined character. In this Bill, therefore, an attempt has been made with great care, and a very considerable application of legal knowledge, to define the offence which it seeks to punish and prevent. As regards bribery, it commences by repealing—wholly in some cases, and to a large extent in others—the various Acts which have been heretofore passed with regard to bribery and corrupt practices; and the body of the Bill then contains a definition of what should be deemed bribery in future. The same course is taken with respect both to the offences of "treating" and "undue influence." Undoubtedly no part of this question is so difficult to deal with as the exercise of "undue influence." An attempt is, however, made to define it here; and if that definition be not perfect, it, at any rate, brings within its scope many of those forms of the offence which have heretofore passed scatheless, but which successive Parliaments have sought in vain to inclose within the meshes of their legislation. I now come to a provision of great importance—indeed, now that the declaration has been struck out of the Bill, the leading provision—that which relates to the appointment of the election auditor. That provision was introduced at the suggestion of Sir F. Kelly, the Solicitor General of the Government of the noble Earl opposite. The Select Committee to whom the Bill was referred took great care to invest him with such duties and powers as might enable him to attain the object for which alone he was appointed. The great object of appointing this officer is to ensure publicity, by requiring every candidate to send the bills of his election expenses to this officer. These bills will then be made accessible to the opposing candidates and their agents, and to the public generally, by the publication of them, which the election officer is authorised to make, in the newspapers. The commission of bribery, if any has taken place, will thus be made so obvious, as to render it probable that those who contemplate it will shrink from the exposure which will most likely follow its commission. In this Bill, the two very difficult questions of the payment of the travelling expenses of voters, and of their refreshments, are dealt with. All Members of your Lordships' House who have been formerly Members of the other House, and have sat upon Election Committees, must be aware that these questions have been two of the greatest stumbling-blocks to Election Committees. One Committee has given a decision that the payment of one was legal and the other illegal, or *vice versâ*, according to the individual views of the Members of the Committee who sat upon each case. The present Bill, however, provides that in future the payment of travelling expenses shall be legal, and that all payments for refreshments shall be illegal. I readily admit that questions may arise as to the propriety of these provisions. Some may say that while the travelling expenses ought to be paid, the charges for refreshment should not be allowed, and others may hold the contrary opinion; but, one way or the other, your Lordships will agree with me in thinking that it is most desirable that a decision should be come to, and that these conflicting views, which have hitherto led to the greatest possible embarrassment, should be put an end to, by deciding the legality or illegality one way or the other. I have already referred to a provision of this Bill which was introduced in Committee in the House of Commons, but struck out after the third reading, by which a declaration was provided to be taken by Members elected to the House of Commons declaring their freedom from all acts of bribery. It is unnecessary now, as this declaration is no longer in the Bill, to express any opinion as to the wisdom or danger of such a provision; I will, therefore, only say that there are two clauses in the Bill, the 33rd and 34th, which provide for a declaration not to be taken by Members of Parliament, but by candidates previously, which ought to follow the removal of the other clause, or which ought to be greatly altered or entirely omitted. I appeal to your Lordships not to refuse your consideration to this measure, and not to refuse to pass this Resolution, by which you will preclude all discussion, and shut the door peremptorily against the second reading. It by no means follows, if you agree to this Resolution, that you should subsequently pass the second reading, if on listening to the arguments, and hearing all that can be said for and against its provisions, you are satisfied that it is not such a measure as would meet the objects we all wish to attain. But what I wish is that, when a measure of this kind is brought from the other House of Parliament, you will not at once say you will not entertain it. When the writs for five boroughs are suspended, with a view to the passing of this measure, how can it be said that it is not one of urgency? I ask your Lordships to give to this measure that latitude which is extended by the Resolution of the 2nd of May to Bills of this description, and that you will consent to entertain the Motion for the second reading of this Bill. The noble Duke *moved* to resolve—

> "That the Suspension of the Writs for five Boroughs by Order of the House of Commons, until new legislative Precautions shall have been taken to prevent the Recurrence of the System of Bribery which was proved by Royal Commissioners to have prevailed in those Boroughs, is (within the Meaning of the Resolution of this House of the 2nd May last) a Circumstance of such Urgency as to render necessary the immediate Consideration of a Bill brought from the House of Commons on the 31st of July, intituled, 'An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament;' and that accordingly it is reasonable that the said Bill be allowed to be read a Second Time this Day, if the House shall think fit so to order."

Lord REDESDALE said, that in rising to oppose the adoption of the Resolution which had been proposed by the noble Duke, their Lordships were not to expect that he would go into the question of the Bill itself. On the contrary, he thought it was desirable that the whole of the discussion should turn upon the question of their Lordships' Resolution of the 2nd of May, because the merits of the Bill had nothing to do with the question. The discussion was, whether this could be fitly considered a Bill of that urgency that it should come within the spirit of the exceptions of the Resolution passed by their Lordships on the 2nd of May; and whether their Lordships were, therefore, prepared to set aside that Resolution. He believed it was perfectly plain and expedient that the Resolution of the 2nd of May should be supported, because it must be evident not only to those who had considered the matter in that House, but also to those who had considered it out of the House, that it was necessary that a limitation should be put to the time when measures brought up from the other House should be taken into discussion. If that be the case, he trusted they would consider the question dispassionately and not with party views, for it was not a party question; he trusted they would support that principle which, if once adopted in a case like the present, would conduce more to improve the legislation of both Houses of Parliament than any other measure that could be adopted. He asked their Lordships not to pass the Resolution which had been moved by the noble Duke, first, because the Resolution itself was an improper Resolution for their Lordships to adopt; and secondly, because it was a proposition to set aside the Resolution of the 2nd of May without sufficient reasons for so doing. He did not mean the slightest disrespect to the noble Duke when he said the Resolution was of a character that should not, under any circumstances, be adopted by the House. It stated that which was not borne out by the fact; and which, therefore, would put that House in an improper position as regarded the other House of Parliament; and on that ground alone the Resolution was one that should not be adopted. The noble Duke's Resolution stated that "the suspension of the writs for five boroughs was ordered by the House of Commons until new legislative precautions should have been taken to prevent the recurrence of the system of bribery." Now, the House of Commons had never said anything that would in any way justify their Lordships in resolving that the House of Commons had declared that the suspension of those writs was to continue until there was new legislation. The only Resolution the House of Commons had come to with respect to these writs was, that no Motion should be made for the issuing of those writs except on seven days' notice. When that Resolution was proposed, an Amendment was moved that no new writ should be issued until the 30th of December, and it was afterwards moved that no new writs should be issued until the 30th of June, which latter would have had the effect of postponing the issue of the writs for one month; but both those Amendments were rejected, and the Resolution with regard to the seven days' notice was passed. [*See* APPENDIX.] Whether the House of Commons was right in suspending the writs was a great constitutional question, into which he would not now enter; but he would say that instead of acting as they were represented to have acted by the Resolution, the House of Commons merely came to what, under the proceeding they had themselves adopted, was a proper Resolution, namely, that in order that no hurry and surprise should take place with regard to moving for writs, seven days' notice of such Motion should be given. He would assert boldly—and he thought no one could controvert the assertion—that it would be unparliamentary, and contrary to a good understanding between the two Houses of Parliament, if either House should resolve that any determination of the other had been come to upon grounds which were not specifically stated by that other. Yet that was what the present Resolution did, and it would be offensive to the other House if their Lordships were to say that that House had done so. But, suppose the House of Commons had come to such a Resolution as was stated in the Motion before their Lordships—that they would suspend the issue of the writs until legislation should have taken place—the moving of that Resolution as a ground for their Lordships' proceedings would be an improper manner of addressing their Lordships' House on the subject, and on that ground alone he would appeal to their Lordships to resist it; for how could it be considered but as an unfair pressure on their Lordships, if the House of Commons had said they would not do a particular act, except their Lordships should pass a certain measure on the subject. It was not fitting that this Resolution should be put upon the minutes of their Lordships' House, first, because the House of Commons had not done that which it was stated they had done; and next, if they had done it, they would have put an improper pressure upon their Lordships as a reason for a legislative proceeding in that House. Having made this preliminary objection, he would now ask their Lordships to consider whether this Bill could be fairly brought within the meaning of the "urgency" contemplated by their Lordships' Resolution. The noble Duke had said that it was never intended by the noble Baron who proposed the Resolution that the word "recent" should govern "urgency;" and that it could not grammatically do so; but he (Lord Redesdale) certainly intended that it should govern both "urgency," and "occurrence." The question they had to consider was, whether this Bill could be fairly considered to come within the Resolution of the 2nd of May. The question of bribery was one that had been treated over and over again by Parliament, and could not be considered as a question—though important in itself—of "urgency." A delay for another year, before a new Bill on the question of bribery was made the law of the land, was one that could not be considered to constitute a case of "urgency." They had passed the Resolution in order that their Lordships should have time for the discussion of important Bills, and the consequence of passing it was, that a number of Peers had made up their minds to leave town. And what they were now asked to do was, that a Bill which had been brought into their Lordships' House on Monday should be read a second time on Thursday, when the fact of the Bill having been introduced could not have been known to a number of Peers who had left town. Therefore, unless the case of urgency was made most clear, they would be setting aside the whole effect of their Resolution if they allowed this Bill to be pressed forward. The effect of rescinding this Resolution would be, that any party who could at the close of the Session command a majority in the House would be able to declare whether they considered a question to be of urgency or not. He, therefore, asked their Lordships not to agree to the Resolution of the noble Duke, and urged upon them to recollect what the effect would be of their introducing important Amendments into the Bill, and what consideration could be given to them by the other House of Parliament. He did not think it would be proper that they should send back to the other House a Bill affecting it, with Amendments, at a period of the Session when there would be unquestionably the smallest possible attendance of Members. For these reasons, and being convinced that their Lordships would by refusing to agree to this Motion, do much to give effect to the principle of the Resolution of the 2nd of May, he must say non-content to the Motion of the noble Duke.

The Earl of ABERDEEN: My Lords, my noble Friend has not referred to the provisions of the Bill before the House, and it is not my intention to do so; but I wish to make a few observations upon the Resolution to which my noble Friend thinks it indispensable that we should adhere on this occasion. Now, I think your Lordships would do well in the present case to relax your adherence to that Resolution —which I admit has produced salutary effects, and which will still produce salutary effects if you treat it as it deserves. The Resolution itself involves no question of principle; it was adopted for the mutual convenience of Members of this House—of both Houses of Parliament, I may say—and so it must be considered and treated. Every effort has been made, in this House and elsewhere also, to effect the object aimed at by this Resolution. Only the other day, a very important Bill which was announced by the Chancellor of the Exchequer, was dropped by him in consequence of the existence of this Resolution—I mean a Bill for the abolition of the usury laws. It has since been introduced in this

House by a noble Friend of mine, and has been originated in this House in consequence of the existence of that Resolution, notwithstanding the Chancellor of the Exchequer had given notice of the Bill. Therefore every means has been taken to carry into effect the spirit of the Resolution as it was understood when proposed. But your Lordships should be cautious how you apply too stringently the provision which the noble Baron desires to interpret as belonging to this Resolution. Rely upon it that if you proceed in a manner so arbitrary and so completely without qualification, it is impossible to expect that the other House of Parliament will consent to act under the compulsion of a Resolution of the House of Lords, and it may lead to serious differences between the two Houses of Parliament. I am happy to say that hitherto there have not been any very serious differences between the two Houses of Parliament; indeed, nothing is more wonderful, nothing is more astonishing, than the continuing harmony of the two Houses of Parliament in the conduct of the legislation of the country. It seems hardly possible that between two bodies, each possessing such powers as the two Houses of Parliament do, so little difference, so little of contestation, should arise —and this is only owing to mutual forbearance, and to the deference of each House one to the other. If ever serious difference should arise between them, it will be an event not only deeply to be deplored, but which cannot but lead to the serious injury of the Parliamentary constitution of the country. I say that if this Resolution were to be enforced in the arbitrary manner proposed by my noble Friend, it would be an outrage upon the privileges of the House of Commons; for to tell them that they shall not send up a measure after a certain day is not far short of an insult to that House. As a means for the reasonable expedition of measures brought before you, they have acquiesced, and no doubt will acquiesce hereafter, in the Resolution, and expedite business, as we shall equally do, with the view of meeting the spirit and object for which the Resolution was affirmed; but anything further than this would be at variance with the privileges of the House of Commons—with what has been their practice, and probably will be still their practice, if you give to this Resolution that fair and liberal interpretation according to which only it can exist, and according to which I believed it would be considered, or I would never have agreed to it. I wish to avoid the possibility of leading to a serious difference between the two Houses, and I wish also to avoid the exercise of an arbitrary and unreasonable assumption of authority on the part of this House. I deny altogether the constitutional character of the reasons assigned by the noble Lord—of the Session being too far advanced, and the probability of there being too thin an attendance of Peers. Wishing to avoid these difficulties, I think your Lordships ought to agree to the Motion of the noble Duke. If there be too thin an attendance in your Lordships' House, it is no reason whatever for refusing to agree to the Motion. It is a reason, no doubt, to influence the convenience of your Lordships, but not to limit or abrogate the discretion of the House of Commons in the transaction of the business before them. I therefore entreat of your Lordships not to look upon this as an arbitrary Resolution which you have laid down, and to which you will adhere—not as a case of *sic volo, sic jubeo.* No one will deny that this is a measure which would justify your Lordships in taking it at least into consideration; for, as my noble Friend near me has said, you may if you think proper on full consideration reject the second reading of the Bill. That is perfectly intelligible and within your competence; but to interpret this Resolution as an arbitrary rule in the manner proposed by my noble Friend opposite, is a thing likely to lead to most serious and mischievous consequences.

THE EARL OF DERBY said, the noble Earl had altogether and very prudently abstained from taking the slightest notice of any of the observations that had been made by his noble Friend who opposed this Resolution. Not one word had fallen from the noble Earl in refutation of the statement that was made by my noble Friend, that this Resolution was one which it was impossible for their Lordships, with propriety, to accede to. It attributed to the House of Commons that it had passed a Resolution which it had not passed, and it attributed to them motives by which they were not influenced. If their Lordships had passed such a Resolution they would have failed in the courtesy which they should always wish to see reciprocated between the two Houses of Parliament, and yet it was proposed to make such a Resolution the basis for legislation in their Lordships' House, though by recognising such a Resolution they would in fact compromise the independence of their own legislative powers. It was not right to say by this Resolution that writs had been suspended until their Lordships should have legislated upon the subject, for that was not what the House of Commons had done. What they had done, and what was very natural for them to do, was, that, while this Bill was pending, and it was uncertain under what system of law the elections would take place if the writs were issued, they suspended the writs until they should see if Parliament were about to legislate upon the subject; but for the House of Commons to say that they would indefinitely postpone the issue of the writs for those five boroughs until the House of Lords should assent to a measure they had sent up to them, would be to adopt a principle so unconstitutional that neither this nor any other House of Commons had ever dreamed of enunciating it. Their Lordships must observe that the proposition contained in the Resolution was not that the writs should not be issued until the House of Lords had decided whether or not they should pass this measure, or whether Parliament should or should not pass this Bill, but that the writs should not be issued until fresh legislation had taken place. Their Lordships were called upon, therefore, not only to consider the Bill, but to pass it. They were in *duresse* with regard to their legislative powers, and they were to be compelled to pass it in the form sent up from the House of Commons, or, at all events, they were not to introduce any Amendments to which the House of Commons would be indisposed to assent; for the House of Commons might not choose to agree to any Amendments which their Lordships might make in the Bill, and in that case legislation would equally fail, and the writs would be indefinitely suspended. Now, what was the real state of the case? The House of Commons had refused even to suspend the writs to the 30th of December, and, anticipating an earlier Session than this, had refused to postpone them till the 30th of June. Indeed, if he were not mistaken, at that very moment there was a Motion pending in the other House for the issue of writs to the whole of these five boroughs. It was quite true that the noble Lord holding the high office of President of the Council announced in the other House his opinion, that these writs ought not to be issued until legislation had taken place; but the experience of the Session led him to the conclusion that what one Member of the Government announced as his view was not necessarily the view of any other Member of the Government. It was quite possible that the view of the noble Lord the President of the Council might be declared by others of his colleagues to be "wholly unconstitutional," and even "sheer nonsense." Even if it so happened that the whole of the Members of the Government should, marvellously, be of one opinion—what security was there that that opinion would be in accordance with the views of the House of Commons? He must say this, that the House of Commons had never come to such a Resolution and had never affirmed such an opinion as this Resolution, which their Lordships were called upon to affirm, attributes to the House of Commons, and attributes to them in order to make it the basis of your Lordships' legislation. The noble Earl opposite had shown great prudence and discretion in abstaining from referring to these matters; but would their Lordships pass them over now that this objection had been taken? Would they, with their eyes open, declare that the House of Commons had done that which they had not done, and take as the basis of their legislation a supposed Resolution of the House of Commons, which, if the other House had passed, would be an infringement of the privileges of their Lordships? Would their Lordships so far stultify themselves as to adopt such a course? The noble Earl had abstained from entering into the merits of the Bill itself, and he should follow the example of the noble Earl; but the noble Duke (the Duke of Newcastle) had said that the Bill had in many of its details the sanction of high authorities, and that it had passed through a Select Committee. The noble Duke had reminded their Lordships what distinguished authorities had sat upon that Committee, but he had neglected to say that, when it came out of Committee, the House of Commons had not so great a respect as the noble Duke seemed to have for those high authorities, inasmuch as they had totally altered the measure, and, up to the very last moment, had made material and most important alterations in it. The noble Duke had himself intimated that he did not consider that at this period of the Session the House of Lords could fairly and properly consider and discuss the measure so as to make it as perfect as it might be made. If they were to overrule their Resolution and to pass this Bill in deference to the House of Commons it was certainly with some pleasure that he found the noble Duke prepared to make it a temporary measure, which was only to be passed for one or two years. But why should it be made a temporary measure? Manifestly because there was not time to make it as perfect a measure as it ought to be. He admitted the prudence and discretion of the noble Duke, and thought he was quite right in thinking that, if the Bill was to be taken as it was and considered at all, it should only be passed for two years, and that, having faith in the House of Commons, they should not enter upon what could be little more than a partial discussion, occurring at a late period of the Session, when but few Peers were likely to be in attendance. The noble Duke said, "Make it a temporary measure, because you have not time to make it a perfect measure." [The Duke of NEWCASTLE denied that he had made any such statement.] The only reason he could conceive for not amending the Bill, so as to make it as perfect a measure as possible, was, that they had not time maturely to consider the principles of the Bill. If that were the only proposition, he might perhaps be inclined to accede to the proposal of the noble Duke, to pass the Bill as it was, for the space of two years. But what did the noble Duke propose to do further? Taking it as a temporary measure, the noble Duke told their Lordships that there were two clauses in the Bill which he wished to expunge and to alter, and he proposed then to send the Bill, as amended, to the House of Commons. Now, the object and intention of the Resolution of their Lordships were to give to that and the other House of Parliament full time to consider measures passed at the close of the Session. If their Lordships were to waive their privileges, and assent to the passing of the Bill in violation of their own Resolution, and were to make Amendments in the measure, what would be the effect? The Bill would go down to the other House to be considered towards the last day of the Session, and it would be considered by perhaps forty or fifty Members, after having been passed by 200 or 300. He must say that this would be a most extraordinary mode of showing deference to the House of Commons; they would, in reality, be enabling the Government of the day to set aside the opinion of the House of Lords and the House of Commons, and to do what they thought fit with any measure introduced into the House, provided they delayed to introduce it till towards the close of the Session. He thought that to pay proper deference to the House of Commons they ought not at this period of the Session to amend a Bill of this nature, and send it down, as amended, to be discussed in the House of Commons in the middle of the month of August. The noble Earl at the head of the Government said the Resolution of their Lordships was one which had produced and was calculated to produce very salutary effects; but how could it produce salutary effects unless it were adhered to? It was the knowledge that it was a Resolution of the House of Lords, and one which the House of Lords would adhere to, which alone could produce the salutary effect of hastening the legislation of this and the other House of Parliament. If, however, they were not to adhere to the Resolution, and were to suffer Members of that House to leave London, and go down into the country in the full assurance that they had passed a Resolution which would secure them from the possibility of dangerous measures being agreed to in their absence, and if the Government were then to say a measure was one of urgency, and that the Resolution of their Lordships must be set aside, so far from having a salutary effect, it would be a mere trap for noble Lords in that House, and would utterly fail in the effect which was intended upon the other House of Parliament. The noble Earl had talked about the arbitrary application of this rule. Now he (the Earl of Derby) knew nothing so arbitrary as the application of this rule just as the Government thought fit. If the Resolution was to be acted upon systematically and regularly, there could be nothing arbitrary in it; but if it was to depend upon a chance majority of one or two in a House of twenty or thirty Members whether the rule was to be applied or not, then, indeed, it would become an arbitrary decision, and a decision which must produce, instead of a salutary, a most mischievous effect. The noble Earl seemed to think it most astonishing and marvellous that there should be a general concurrence of opinion and good understanding between their Lordships and the other House of Parliament, and hoped this would continue to be the case; but at the same time he thought that the most dreadful consequences would result if their Lordships were to fail to show due deference to a measure of the House of Commons which had come up with a unanimity of assent. Now, what was the unanimity of assent given by the House of Commons? The unanimity of assent given to the measure upon the third reading was this—a material provision was struck out, and after that material provision was struck out the unanimous assent of the House of Commons was given by a majority of seven in a House of 200. Could it be contended, then, after the House of Commons had devoted six months discussion to the Bill, and a majority of seven only had decided that it should pass at all, that it would show a want of deference to that House if their Lordships were to fly in the face of the recorded opinions of the other House, simply because they were humbly of opinion that a Bill which had taken the House of Commons six months to consider, which had been greatly altered upon inquiry, and which had passed at the last moment by a majority of seven only, was deemed worthy of something more like discussion and deliberation than could be given to a Bill brought up with such haste and at so late a period of the Session as this? It had been brought up with such haste that it purported upon the back of it to have been printed upon—a day not in the calendar—the 31st of June, instead of the 31st of July. On the 3rd of August they were called upon to take the principle of the Bill into consideration, and on the 4th to examine its details; they must then send it back in the second week of August to be discussed again in the House of Commons. "But," said the noble Earl opposite, "this Resolution does not involve the adoption of the second reading of the Bill. Do what you like with regard to the second reading of the Bill, throw it out if you think fit." That, the noble Earl thought, would not indicate disrespect of the opinion of the other House; but if their Lordships, without any expression of opinion, as to whether the majority of 107, or the minority of 100, were right, simply ventured to say that they would like a little more time for considering the Bill, that, according to the noble Earl, would be a great violation of deference to the other House. Now, he (the Earl of Derby) looked at the matter in just the opposite point of view from this. His chief objection to the second reading was an objection as to time, and time only, and as to the necessity of adhering to the Resolution which that House had adopted as the rule of its proceedings, he said that there was everything in favour of the second reading of a Bill relating to the privileges of the other House, which came up to them with the favourable *prestige* of having received the assent of that House. Although he trusted they would exercise their right of discussing its principle and examining its details, yet much weight attached to it, inasmuch as it had received the approval of the other House. The measure was one of a very complicated character—much more so than the noble Duke seemed to think—and it involved penal consequences, and many serious and delicate questions; but he did not propose now to enter into its merits or demerits. He did not pretend to be able to do so. He had not had time to consider the Bill in detail; and he confessed he had not gone through and examined all the changes and vicissitudes to which it had been exposed in its progress through the other House. But, if it were not for the Resolution of this House, and if there had been proper time, he should say let the Bill be taken up and considered deliberately, and see if it can be amended; and if it is incapable of amendment, let it by all means be applied as a remedy for what everybody admits to be a great and crying evil. But his objection was, that since their Lordships had passed this Resolution, upon the faith of which Peers had left London, upon the faith of which their Parliamentary proceedings had been founded, and upon the faith of which Bills had been introduced in that House rather than in the other House of Parliament—since they had laid down this Resolution, which was likely to be most beneficial both to that and the other House of Parliament, but which could only work efficiently by their showing their determination to adhere to it, even at the risk of some trifling inconvenience—he should certainly advise their Lordships not to waive that Resolution in the present instance. If, indeed, this were a measure of paramount urgency, by the delay of which the best interests of the country might suffer—if it were anything affecting our foreign relations or influencing the vigorous prosecution of the war in which they were now engaged—not a single word would have been said on the subject, nor would the Resolution have been pleaded in bar to it. But this was a measure to which none of these considerations would apply; it was comparatively unimportant whether it were passed in the course of this year or the next; it was the very case, in fact, upon which their adherence to the Resolution they had passed could fairly be tested, without disrespect to the other House of Parliament, and without inconvenience to the interests of the country. Deeming it to be most important that the Resolution should not be set aside without due cause and upon full consideration, and believing that the ground for so doing asserted in the noble Duke's Resolution was inconsistent with the facts, and that, even if it were consistent with them, it would be a most improper ground for their Lordships to act upon, he should certainly say No, with his noble Friend, to that Resolution.

THE MARQUESS OF LANSDOWNE said, he should certainly give an unhesitating vote—not in favour of this Bill, for that was not the question before them—but in favour of making this an exception to the just, proper, and expedient general rule which their Lordships had adopted on the proposition of the noble Baron (Lord Redesdale). In proposing the adoption of this rule, he had never understood the noble Baron to say that it was to be adopted as an inflexible Resolution, liable to no exception; but if he had so meant it, he ought distinctly to have stated it, and if he had done that, he (the Marquess of Lansdowne) believed the Resolution would have met with a very different reception from that House, and certainly from the other House of Parliament. The noble Baron, however, in his argument in support of the Resolution, and in the express terms of the Resolution itself, admitted that he did not intend it as a rule without an exception, for he had introduced into a provision that a case of recent occurrence or urgency should be a proper exception from the rule; and with that necessary and proper qualification, the Standing Order was unanimously adopted by that House. The Resolution was, that, after a certain period of the Session—and, for convenience' sake, a certain day was named — their Lordships would proceed with no Bill except in a matter of urgency. The question at issue, therefore, was, was this Bill from its nature and subject a measure of urgency, or was it not? He maintained that it was a measure of urgency; and the argument lay in a nutshell. If the noble Baron (Lord Redesdale) had so framed the Standing Order as not only to make an exception in it in favour of a measure of urgency, but had gone further, and attempted in express words to define what was a question of urgency, and if their Lordships had agreed to the Resolution in that shape, the definition which in that case must have been adopted must have been one that would exactly have included a Bill of this description—a Bill which the other House of Parliament in the exercise of its discretion had sent up, affecting its own peculiar interests and privileges. The noble Baron would admit that the interests and privileges of the other House were concerned in the present Bill. Another criterion of urgency would have been, that the measure was intended or calculated—or, at all events, endeavoured—to put an end to an evil that was universally admitted to exist. Well, this Bill sought to mitigate, if it could not entirely remove, an evil which everybody in both branches of the Legislature and in the country admitted, and held it to be the duty of Parliament to endeavour to check. So that there were two marks of urgency visible on the face of this Bill. Not only was this Bill directed against an evil which was eating like a festering canker into the very heart of our representative system, but unless the remedy it proposed was adopted, there would ensue this important consequence—that, as the representation of a certain number of boroughs had been suspended in anticipation of some steps being taken for this purpose, those boroughs must now be left entirely unrepresented, or they must be liable to be misrepresented, for want of a corrective to the existing corruption. It was clear, therefore, that this Bill came within the category of the exceptions contemplated by the Standing Order; and he might add, that there was a danger that the universally admitted and serious evil against which it was levelled might be incurred within the next three months if they did not pass this Bill. But he went further, and if this was not a measure of urgency, he would ask the noble Baron what was a measure of urgency? Again, if the noble Baron did not intend to admit of cases of urgency, why did he not openly state it at the time the Standing Order was under discussion, and arbitrarily say that after a certain day in the calendar no Bill of whatever nature should be allowed to be considered, and that the action of the Legislature was to be chained down, for the House of Commons, although in a question affecting its own rights, and affecting the fair, honest, and true representation of the people, would not have its measures considered by their Lordships? He said, then, that this was a case of urgency; and this, he believed, would be the opinion, not of the other House only, but of the country. In regard to what had been said, that the Resolution moved by the noble Duke made an incorrect recital of the facts with regard to the proceedings in the other House, it was clear that in saying that the House of Commons had suspended the writs of five boroughs, the Resolution merely expressed the obvious interpretation that must be placed upon that fact by any man of common sense, namely, that it was the object of the other House, as it was their duty, to endeavour to secure that the returns from those boroughs where the writs had been suspended, should be as free as the ingenuity and skill of Parliament could contrive from the corruption which the noble Earl opposite acknowledged unfortunately to exist in many boroughs. He (the Marquess of Lansdowne) knew too well that many previous Bribery Bills had been passed, and had failed; and it would be presumptuous to say that this Bill provided what so many former Parliaments and wise legislators had failed to discover —namely, an effectual and complete remedy for bribery. But that was no argument against their giving a fair consideration to a Bill which had been sent to them from the House of Commons, which, he believed, would tend to the correction of some portion, at least, of a flagrant evil. The noble Earl opposite had said that noble Lords had left town under the conviction that no "dangerous" measure would be introduced in their absence; but he (the Marquess of Lansdowne) thought it too much to say that a Bill to put down bribery and corruption was a dangerous measure. If there was anything dangerous in this Bill, let the noble Earl point it out; and he (the Marquess of Lansdowne) must say that he thought noble Lords, knowing that a Bill was likely to come up designed to suppress corruption and improve the representation of the people, would have only done their duty if they had remained at their posts to consider it, and remove any lurking evil that might be found in a measure having so important and beneficial an object as that of putting an end to the evils by which too many elections were characterised. The noble Earl had also alluded to the fact that this Bill, notwithstanding the great labour which had been bestowed upon it, had not passed the other House by a very large majority, and that it would not have been very dissatisfactory to a great number of people if it had been lost. He really thought, however, that if their Lordships waited to pass a Bribery Bill until they should have one sent up which gave general satisfaction, they would have to wait for ever. They had all seen advertisements of quack doctors, announcing that they had discovered universal specifics, which not only cured and eradicated every complaint, but were most pleasing to the palate of the patient at the same time. Now, if their Lordships were sanguine enough to think that they would discover a panacea for bribery sufficiently stringent for its entire removal, and likewise agreeable to the taste of all candidates, past and future, he was afraid they were indulging themselves with a very pleasing hallucination; but, in the meanwhile, bribery and corruption would remain in rank and fatal luxuriance. All they were asked to do on the present occasion was to defer so far to the opinion of the House of Commons as to consider whether this Bill would not go some way towards the extirpation of a most serious evil, and whether it should not be allowed to be put in force for two years at least; seeing that the experiment might enlighten their Lordships and the other House as to the best means of coping more effectually with the scandalous abuses disgracing our representative system. Upon these grounds he trusted that their Lordships would consent, even by way of exception, to consider the present Bill.

THE MARQUESS OF CLANRICARDE said that, after the clear and able speeches of the two noble Lords opposite who opposed the present Motion, he should not have troubled their Lordships with any explanations of his own, had it not been for the speech of the noble Marquess who had just sat down. The noble Marquess had commenced by stating very clearly what was the question before the House; but the rest of his speech consisted in a denunciation of the evils of bribery, and a not very just insinuation that those who did not agree in the Resolution of the noble Duke were not so alive to those evils as he was. This Bill was on the whole not a bad Bill, though far from perfect; but the question was, whether they should adopt the noble Duke's Resolution. The noble Marquess had not attempted to show that the Resolution was really true in fact or correct in reasoning, and, for his part, he maintained that the Resolution stated what was not the fact, and was most erroneous and dangerous in reasoning. The noble Marquess said, that the House of Commons and the public thought this Bill an urgent measure. Now he (the Marquess of Clanricarde) had occasion to know that the greatest difference of opinion existed, both in and out of the House, with regard to this Bill. Many of the most eminent Reformers in the House of Commons, as well as men known for their zeal in that cause out of the House, and for their exertions to secure purity of election, thought that it would not be undesirable that the House of Commons should have an opportunity of reconsidering this measure. His objection, however, to this Resolution was, that it was an ignominious departure from the Resolution which their Lordships had deliberately arrived at. The Government seemed suddenly struck with the extreme urgency of this question; but how came it that they had not been alive to its urgency at an earlier period of the Session? The first Bill relating to this subject was brought in by Sir F. Kelly, and was printed on the 21st of February. Shortly afterwards the Government Bill was introduced —on the 24th of February, he believed—but nothing more was done with regard to either of them during the whole of the month of March, except to read them *sub silentio* a first time. It did not seem as though they were considered so very urgent then, for, though the Reform Bill had then been withdrawn, and several other Bills cleared out of the way, it was not until the 10th of April that these Bills were referred to a Select Committee, which, again, did not sit for the despatch of business, important business at least, until the 6th of May. The noble Duke had told them of the great value of the labours of that Committee; but, as the noble Earl opposite had observed, he did not state what was the opinion of the House of Commons on that point. In the proceedings of the Select Committee he found that they had divided no less than nine times on important questions; and so little weight was after all attached to the decision of the Select Committee, that seven days had been spent in the Committee of the whole House, and no less than twenty-eight divisions had taken place on the most important parts of the Bill; and in general the majorities had been very narrow indeed. On these divisions Gentlemen of the most opposite political opinions voted side by side—a fact which showed that they were not the result of any factious opposition to the Bill, but that the difficulties of the subject had led to its receiving the greatest care and deliberation; and when it was pretended that the House of Commons would be angry at their not suspending their rule to make way for this Bill, it should be borne in mind that it had only been finally carried through that House by a bare majority of seven. The subject was so complicated and difficult, that men who usually agreed together differed on its most important points, and therefore the Bill required the greatest consideration and deliberation. Therefore, if ever there was a Bill to which the Standing Order moved by the noble Baron (Lord Redesdale) was applicable, it was the present. It was a measure exactly like the Irish Lands Bill, which had been postponed last year for a similar reason, and like many other Bills which both Houses from time to time postponed on account of the lateness of the Session. It was said, in this case, that there were five writs suspended. Well, that was no new discovery. Why was not this argument used when Sudbury was disfranchised? It was no argument to say that Parliament could not proceed to business until the vacant seats had been filled up; because Parliament had this Session dealt with most important questions—affecting peace and war—and all the while the seats continued vacant. Why, then, could they not wait for another Session, until this subject could receive proper consideration? This was, therefore, no question of urgency, and to depart now from their rule would derogate from the character, the dignity, and the reputation of that House. The noble Marquess asked, what was a question of urgency? He could tell him that the Bill for the continuance of the Board of Health, introduced the other evening, was one, as, without that Bill, the functions of an important department of the State would have lapsed; and therefore it was right that the rule of the House should be suspended in favour of such a measure. But to suspend it for a Bill of this kind, which had occupied the attention of Parliament for several years, and which required the greatest care and sifting, would be quite absurd. The mode in which that House had secured the respect and estimation of the public was by acting with dignity, consistency, and character; but if they were to pass deliberate Resolutions and then lightly set them aside, either from caprice or at the beck of a Minister, their authority must be seriously weakened and impaired.

LORD BROUGHAM said, that if the noble Marquess who had last spoken had thought right to preface his remarks by saying, that after the speeches of other noble Lords on the same side of the question he would not have risen but for the speech of the noble Marquess (the Marquess of Lansdowne) who preceded him, how much more necessary was an apology due from him (Lord Brougham) for presuming to follow noble Lords who had supported this Motion, especially after that most convincing, most unanswerable—and (with all respect for his noble Friend who had just sat down) unanswered, and only unanswered because it was unanswerable—speech of the noble Marquess (the Marquess of Lansdowne). He must appeal to the acuteness and the candour of his noble Friend who had just sat down, who, if he looked at the Resolution moved by the noble Duke, would see that there was no ground for the assertion that it stated anything that was not the fact as to the intentions of the House of Commons or as to the urgency of this Bill. There could be no doubt that the House of Commons had suspended the writs of these five boroughs until new legislative precautions had been taken against the recurrence of bribery and corruption; but it was a great mistake to suppose, as had been supposed to-night, that this Resolution affirmed that the order of the House was to suspend these writs until Parliament legislated. The very form of the words used by the noble Duke in the Resolution excluded the supposition that he intended so to represent the proceeding that had taken place in the House of Commons. The only object of the other House was that the poll should not be opened in these five boroughs, where corruption might again be practised as it had been too much practised of late—where those abominable scenes of corruption which had been reported upon by Commissions and by Committees as having been almost habitual, might again be renewed if the writs were issued for a new election—the only object of the House could be not to allow the poll to be again opened in these five places until it had had an opportunity of taking measures to prevent the repetition of such abominations. He would ask any plain thinking man this question, and would abide by the answer he would make—for what purpose, with what possible design, could the House of Commons have suspended these writs? The suspension could only be temporary. No man imputed so absurd, so ridiculous, not to say unconstitutional a design to that House as the perpetual disfranchisement of these five boroughs. The very word "suspension" showed that that could not have been the intention—because suspension inferred that something was to follow. If it had been, the other House would have acted as it had done in the case of Sudbury, and have issued a Commission before proceeding to disfranchisement. Well, as the suspension was meant only to be temporary, how long was it to last? Until when? Could any man stretch his imagination so as to fancy that anything else could have been in the contemplation of the other House when it delayed the issuing of the writs, except this, namely, the amendment of the laws relating to bribery and corruption, so as to take some security against the future recurrence of the same abuses that had previously taken place in the exercise of the elective franchise. He, therefore, looked upon it as perfectly clear that the fact was that the House of Commons delayed issuing the writs with no possible, with no conceivable, purpose except that in the meantime, and before a new election should be had, the laws respecting bribery and corruption might be made more stringent and more effectual. If any one who had examined the provisions of the Bill should be of opinion that it could not produce any good, and should say, "I have considered the measure, and I hold it to be utterly impossible that its provisions can effect any cure or any material diminution of the evil on all sides and universally complained of," then, undoubtedly, such a person would have a right to say, "There is no need of inquiry, there is no need of delay, there is no need of going on with the Bill at all. Let the House of Commons issue the writs, and welcome. If the evil must be submitted to, the sooner the writs are issued the better, because no one desires that five boroughs should for ever be deprived of representatives in Parliament." But no one whom he had heard argue, either out of the House or in it, at all pretended that the case was hopeless, or that it was perfectly evident that none of the provisions of this measure could secure any diminution of the evil complained of. On the contrary, all who had addressed themselves to the subject said, "Let the House wait, and inquire, and examine it more at leisure at another time." It would be a great evil to delay indefinitely, or to delay even to another Session, the filling up of so material a portion of the representation of the people in the other House as ten Members for five places—some of them, no doubt, of very little importance. He spoke without any disrespect to his noble Friend the noble Earl when he said that, if a borough about which he knew a great deal were never to have a writ issued to it, he should comfort himself under such a visitation; but Hull, Canterbury, and Cambridge were important places, and all these were to be practically disfranchised by the suspension of their writs. It would be said that the House of Commons might issue these writs even if their Lordships refused to take into consideration the second reading of the Bill. No doubt they could; but would it not be better, seeing the great disposition which prevailed among all parties to seek for a remedy, and to apply one upon which they were agreed—would it not be better, more courteous to the other House, more befitting their position as lawgivers upon this important matter, more useful for the public interest, and more useful for Parliament, and for the character, privileges, and dignity of Parliament, involved in the purity of Parliament and of election—would it not be infinitely better that their Lordships should help the other House to apply this remedy, and should not give up all hopes of the remedy being available until they had well tried it, and were convinced that it could work no cure? His belief was, that much of this Bill was calculated to produce a good effect. He thought that the appointment of an election auditor was a most valuable improvement. He wished he could say the same of a clause respecting what he would venture to call bribery and treating under a disguised form—that of travelling expenses and refreshments, though to a limited extent. He well knew that when a Bribery Bill was sent up to that House about half a century after the first Bribery Bill, in the reign of George II., limiting the power of paying travelling expenses to voters, it was thrown out at the instigation of Lord Mansfield, upon his statement that the authors of the Bill did not know what the existing law upon the subject was, because that law made the payment of travelling expenses bribery, and there was no occasion for an Act to make it so or to declare anything upon the subject. He (Lord Brougham) grieved to say that this Bill ran counter to that opinion, and authorised the payment of travelling expenses and the giving of refreshments. ["No!"] He was reminded that the Bill only permitted the payment of travelling expenses, but he apprehended that if a person might be brought to the poll, he might have all needful refreshments on the road; because, if not, he would not be able to benefit by the payment of his expenses, and could not be brought to the poll at all. He had also seen, with great regret, that the declaration was confined to certain persons—agents and others. He wished there had been a declaration of a more stringent nature and a more general form, and one applicable to candidates at the time of taking their seats, and which might be administered compulsorily during the election. These were amendments which might be proposed in Committee, if their Lordships read this Bill a second time; but he confessed that, however strongly he might be in favour of such amendments, he should be very slow to propose or to ask their Lordships to assent to them, for the reason hinted at by his noble Friend the noble Earl opposite (the Earl of Derby), that it would lead to the sending down of the Bill to the other House with these alterations at a time when the persons who might reasonably be expected most usefully to take them into consideration would probably not be there. At the same time, he held that their Lordships had a perfect right to deal with this measure as with any other which came up to them, and he thought that they grievously mistook the nature of our constitution, and lamentably forgot the history of that House in regard to Bills of this kind, who thought for a moment that their Lordships ought not to exercise the fullest discretion in regard to such a measure, to enter upon its consideration with the greatest latitude, and to amend it if they thought fit. The first Bribery Bill that ever came up to that House, in the year 1729—the 2nd George II.—received very great alterations in that House; the best clause in the Bill was inserted there, and the penalty, notwithstanding the soreness of the other House in regard to money matters, was, if his recollection served him, increased from 50*l.* to 500*l.* When the Bill was sent back to the House of Commons, it was urged that the Lords had no right to interfere with an Election Bill; but Mr. Pulteney, afterwards Lord Bath, said that it was perfectly clear that it was within the province of the House to deal with the Bill, though an Election Bill, "especially because," said he, "it is a Bill touching the criminal law of the country." So in the case of this measure he (Lord Brougham) held it to be their right to deal with it exactly as they would with any other measure received from the other House; but it was quite another thing whether they should, in the exercise of a sound discretion, make alterations at this period of the year, and send back the Bill with those alterations. He inclined to think that they ought to abstain from doing so, and to postpone what he thought would be a great improvement of the Bill until another occasion, when—from what had been stated by the noble Duke, who only suggested that the Bill should be passed temporarily —they and the other House would have full time to consider these amendments. Though he considered this Bill to be, as it now stood, a great improvement of the law, he held that the only effectual means of preventing bribery would be by laying the axe to the root—inflicting an infamous punishment upon the person bribing as well as upon the person bribed. Considering who were generally the bribed and who the bribers, he had far rather visit the offence upon the briber than upon the person bribed.

On Question, their Lordships *divided:*—Contents, 41; Not Contents, 33: Majority, 8.

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Tenterden
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Resolution *agreed to.*

BRIBERY, &c., BILL.

The Earl of DERBY said, that as their Lordships had decided to proceed with the Bill, he begged to say that he concurred in what had fallen from his noble and learned Friend as to the expediency of not making any alterations in the Bill, so as not to endanger it by sending it down to the House of Commons to be considered and altered at a time when the other House would hardly be able to take such alterations into consideration. He regretted that his noble and learned Friend had seen this objection with regard to the other House, and had not also applied the same argument to the consideration of the Bill by their Lordships, and seen that it was equally objectionable that the Bill should be proceeded with by them at the present late period of the Session. He thought the best course now to be adopted would be for their Lordships to accept the Bill as sent up by the Commons, adding simply the Amendment proposed by the noble Duke, in order to make the measure temporary, and so give Parliament an opportunity of reconsidering the subject at an early period. On the part of himself and his Friends he begged to say that they should offer no further opposition to the progress of the Bill, and the noble Duke might, if he thought fit, suspend the remainder of the Standing Orders, and take the Bill through all its stages this night.

Lord BROUGHAM, in reference to what had fallen from the noble Earl, said that if the Amendments to which he had referred as desirable had been of such a nature that without their introduction this Bill could do no good, it might have been a reason why he should have opposed the further proceeding with the Bill. The Amendments were not, however, of this character. He thought that they would improve the Bill, but he was not willing to risk the measure elsewhere by pressing them, because he thought there was quite enough good in the Bill to justify their Lordships in accepting it as it was.

The Marquess of CLANRICARDE gave notice of his intention to amend the clause which allowed what were called "reasonable expenses," by moving the insertion of the word "not"—and so to alter entirely the whole purport of the clause. He reminded their Lordships that this clause was carried by but a slight majority in the House of Commons, and, therefore, might fairly be considered a subject of argument. He was one of those who considered it a monstrous proposition to allow those "reasonable expenses;" for it would leave a man with a long purse, who was inclined to bribe, immense opportunities of indulging in those practices, and of defeating a poor candidate. Upon the bringing up of the report he would therefore move that those expenses shall not be allowed.

THE DUKE OF NEWCASTLE with pleasure concurred in what had been said by the noble Marquess (the Marquess of Clanricarde), and he rejoiced that he had adopted a different course from the noble Earl (the Earl of Derby), and had stated his intention of moving an Amendment. While, on the other hand, he (the Duke of Newcastle) was not prepared to avail himself of the kind offer of his noble Friend to suspend the Standing Orders for the purpose of proceeding at once with all the stages of the Bill, he was, on the other hand, prepared to discuss with readiness any Amendments that might be proposed, and to adopt them if the Government approved them. Although the noble Earl had said that he and his Friends intended to wash their hands of the Bill and to take no further steps with respect to it, yet he (the Duke of Newcastle) was anxious that the Bill should pass in such a form as would prove beneficial and effect the object for which it was introduced; with this aspiration and hope, he trusted that other noble Lords would make such suggestions as they might think would conduce to that object. He had, in moving this Resolution, made a short statement and did not deem it necessary to enter into further details as to the Bill, but he would, either in reply to objections to the second reading or in Committee, give any explanations deemed necessary. The noble Duke *moved*, That the Bill be now read 2ª.

THE EARL OF DERBY took this opportunity of observing to the noble Marquess, with reference to his proposed Amendment, that a division was taken in the House of Commons, and a specific vote was given in favour of excluding the word "not" from the travelling expenses clause, and if, against the sense of the House of Commons, the word were inserted, he thought that it would add great force to the argument of his noble and learned Friend as to not adding Amendments likely to endanger the Bill in the other House.

On Question, *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow.*

House adjourned till To-morrow.

The Marquess of Clanricarde

HOUSE OF COMMONS,

Thursday, August 3, 1854.

MINUTES.] PUBLIC BILLS.—1° Customs.
Reported—Militia Pay.
3° Militia (No. 2); Militia (Ireland); Militia Ballots Suspension; Crime and Outrage (Ireland); Judgment Execution, &c.; Militia (Scotland).

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT BILL.

Order for Committee read.

House in Committee.

MR. CAYLEY moved the following proviso—

"Provided always, that in computing the due regard to be paid to the just and reasonable claims of the present holders of lands under lease or otherwise, arising from the long-continued practice of renewal, the basis of compensation shall be that laid down by the Episcopal and Capitular Revenues Commissioners in their Report of 1850; and, where that may not be applicable, to the recommendations laid down in the Lords' Report on the same subject in 1851."

The Committee would remember that in 1849 the whole question of church property was referred to a Commission of which the Earl of Harrowby was chairman, and which was constituted of gentlemen whose impartiality was unimpeachable. They made their Report in 1850. The conclusion to which they arrived was, that the lessees were entitled to considerable compensation, and a basis on which such compensation should be given was laid down. It was the recommendation of that Commission that he wished substantially to incorporate in the proviso he had moved. The lessees complained that the basis was vague and indefinite, and he on their behalf now asked that a more specific arrangement might be made. The object, therefore, was to define more clearly the mode in which the damages, so to speak, to be awarded to the lessees in consequence of the interference of Parliament should be assessed.

MR. LASLETT opposed the clause, on the ground that he would not consent to fritter away the property of the Church. He considered that the leaseholders and copyholders had already obtained a very great boon by the system of enfranchisement. The Church Estates Commissioners had behaved in the most fair and equitable manner, and he would venture to say that every man who had enfranchised his estates under the Commissioners had found that their value had been increased from 10 to 20 per cent. There was no evidence to show that any interference with the property of the Church was necessary, and he asked the Committee whether they were prepared to give millions of money in the form of compensation to individuals who were not entitled to it? If any claims to compensation were set up, let those claims be decided by the courts of common law, but he for one could not consent to see the property of the Church frittered away in the manner in which it would be dissipated if the clause of the hon. Member for North Yorkshire should be adopted. The Bill was at present a permissive measure, and he objected to the proposed clause because it would render the Bill a compulsory measure.

MR. SPOONER said, he should support the proviso on the ground that Parliament had already altered the relative position of lessors and lessees greatly to the disadvantage of the latter, unless some further consideration were shown them. The object of the clause was to define the manner in which the rights of lessees should be considered, and to afford clearer instructions to the Commissioners with regard to the mode of maintaining those rights. The great question was, whether the Commissioners had really and fairly carried out the intentions of Parliament? He contended that they had not. He complained that the Commissioners had adopted a scale of tables which was decidedly unfavourable to the annuitants, instead of basing their arrangements upon tables which had been adopted by the Government in other cases, and which were much more fair to both parties. He considered that it was for the interest of the Church that the lessees should be fairly dealt with, and should receive a fair compensation. There was an existing right on the part of the lessees arising from a practice of renewal which had existed for three centuries, and that right ought to be recognised and fairly valued in the arrangements which were made for renewals. He must say that he thought the Church Commissioners had mistaken the duty which Parliament had imposed upon them. It appeared to him that they considered that they were only Commissioners for the Church, whereas Parliament intended them to act for both parties. He thought the Commissioners had acted upon a wrong principle, and he hoped that to prevent their proceeding in the same course the Committee would assent to this clause.

MR. GOULBURN said, it was proposed to revert to the recommendations of the Commission which had been embodied in a Bill that was brought forward in the other House of Parliament, and referred to a Select Committee. The parties who then opposed the Bill were the lessees themselves, who objected to it as imposing a permanent charge on their estates; but on the fullest consideration the House of Lords came to a different conclusion, and adopted the system at present in force, and under which in three years property to the value of several millions had been enfranchised. If they were prepared to go back to the system of having a large rent-charge imposed instead of permanent enfranchisement, they must enter into some more detailed regulations than could possibly be effected under a Bill which there remained but a short time to dispose of. He thought, therefore, they should not hesitate on the present occasion to reject the proviso.

MR. MULLINGS contended that the right hon. Gentleman had not said anything to destroy the force of the principle for which the hon. Member for Yorkshire contended. He was sure that every Member of that House was willing to give the Church its due; but he thought the tenant was entitled to consideration also, and he was of opinion that his claims had not been treated upon a fair principle.

LORD JOHN RUSSELL said, that no doubt these lessees were under Act of Parliament; but it was quite competent for the Legislature to say, even at this great distance of time, that, having regard to the value of lives, great errors had been made in the manner of conferring those leases, and that those errors should now be corrected. The hon. Member for Yorkshire now contended that the lessees had not been fairly treated in this matter. That was a question which had been very much discussed, and he could not understand why the right hon. Gentleman (Mr. Goulburn) should think that the Report of the Lords' Committee should be exclusively followed, and that no other terms than those specified in their Report should be adopted. The hon. Member opposite (Mr. Cayley) said that due regard had not been paid to lessees, and that their terms should be allowed. He should be sorry to make this Bill other than a voluntary Bill, and thought that the hon. Member would improve the clause by striking out the word "shall," and inserting words giving the Commissioners a discretion as to whether they should follow the recommendations in the Report of the Commission.

Mr. J. A. SMITH was most grateful to the hon. Member for Yorkshire for his proposition, which he trusted would be heartily accepted by the House. As to the system, the real nature of which he should be sorry to characterise as he regarded it, which the Church had formerly pursued, of valuing their own interest at 3 per cent and charging the lessees 5 per cent, it had received its deathblow under the evidence of the late Bishop of Lincoln.

Mr. CAYLEY said, he was quite ready to adopt the noble Lord's suggestion, and to substitute for the term "shall," the words "may, at the discretion and with the approval of the Church Estates Commissioners."

Provision, as amended, *agreed to.*

Mr. CAYLEY then moved the following proviso—

> "Provided always, that in all computations in any way dependent on the duration of lives, the expectation of life shall be calculated at the rate of 3*l.* 6*s.* 8*d.* per centum; and, so far as such rate can be applied, according to the data on which the life tables are founded which were appended to and published in the 12th annual Report of the Registrar General of Births, Deaths, and Marriages in England, and such computation shall be made thereby at a uniform rate of interest."

Mr. GOULBURN objected to the framing of any computations of this important nature upon any other than the most authoritative tables; as to the tables proposed, there were no means before him of estimating their value, for they were not in the library of the House.

Mr. J. A. SMITH supported the clause.

Mr. CAYLEY assured the Committee that he had been actuated by no other motive in selecting the Registrar General's tables than that the statistics in that department afforded, in his opinion, the fairest data for all parties concerned as to the general life of the country. In point of fact, Mr. Farr's were rather more favourable to the Church than to the lessees.

The SOLICITOR GENERAL said, that, as to the general propriety of the principle, that the exploded Carlisle tables should not be acted upon for these computations, that was clearly expedient; but, on the other hand, he was of opinion that the proviso now under consideration would not furnish anything like a workable rule. It was very difficult to decide what tables would be most applicable for the purpose, and he conceived that the best course would be for the hon. Gentleman to leave this point for further consideration, and to bring up an amended clause on the Report. He should himself be most ready to afford his best assistance to the hon. Gentleman in devising a rule on the subject.

Mr. CAYLEY would gladly avail himself of the hon. and learned Gentleman's offer, and postpone the proviso accordingly.

Proviso *postponed.*

Mr. HENLEY remarked that it was important that the same set of tables should be taken for basis which had been used by the parties themselves in entering into existing contracts, otherwise they would run the risk of selling a life on one valuation, and buying it on another.

Lord JOHN RUSSELL then moved clauses relative to the investment and application of the moneys which are to be paid into the Bank of England under the 6th section of the Act; also in respect of purchases and exchanges; also in respect to the apportionment of moneys between the Church Estates Commissioners and Ecclesiastical Corporations and to the application thereof, which were agreed to without discussion.

Lord JOHN RUSSELL also moved the following clause—

> "The proviso contained in the first section of the said recited Act, with reference to the sale or exchange of tithes or tithe rent-charges, or land or hereditaments allotted or assigned in lieu of tithes, shall be and the same is hereby repealed; and all the moneys so paid or to be paid over to the Ecclesiastical Commissioners for England under the foregoing provision which may have been produced by the sale, purchase, or exchange of tithes or tithe rent-charges, or land or hereditaments assigned or allotted in lieu of tithes, which formed part of the endowment of any ecclesiastical corporation prior to the passing of the said Act, shall be subject to the provisions relating to local claims which are contained in the 67th section of the Act passed in the third and fourth years of Her Majesty's reign, chap. 113. And in every case in which any money shall as aforesaid be paid over to the Ecclesiastical Commissioners for England in respect of surplus, the last-mentioned Commissioners shall, in the annual Report to be next thereafter made by them to the Secretary of State, specify the period at which at the time of the settlement of the terms of the sale, purchase, or exchange in respect of which such payment was made, it was estimated that any and every previously subsisting lease or grant of the tithes or land thereby dealt with would have expired."

Mr. MOWBRAY proposed, as an Amendment, to leave out all the words after "exchange of," and insert—

> "Any lands, tithes, or hereditaments whatso-

ever which formed part of the endowment of any ecclesiastical corporation prior to the passing of the said Act shall be subject to the following proviso—that in any application and expenditure of the said moneys due consideration shall be had of the spiritual wants and circumstances of the places in which such lands or hereditaments shall be situated, or such tithes shall have theretofore arisen, anything in any Act contained to the contrary notwithstanding."

The hon. Gentleman observed that it was calculated that within ten years after the passing of the Act of 1840 not less than 200,000*l.* had been subtracted from the diocese of Durham, and applied to the purposes of the Act in other parts of England. He knew it had been said that the spiritual wants of the diocese of Durham were not so pressing as those of other dioceses, and on this ground the appropriation of the revenues of the see of Durham to which he had alluded had been justified; but he thought it could be easily shown that the spiritual necessities of that diocese fully equalled those of any other district. Even if that were not the case, however, he thought it was only a matter of justice that revenues arising within a particular diocese should be applied to the purposes of that diocese, so far as they were needed. During the ten years subsequent to 1840 the increase of population within the diocese of Durham had been double the increase that had taken place in any other similar district throughout England and Wales. The want of church accommodation in five of the principal towns of the diocese — Gateshead, Newcastle, South Shields, Sunderland, and Tynemouth—was so great that independently of the sittings provided by all the religious bodies in those towns, no less than 38,000 additional sittings were required. He hoped, therefore, that the Government would take into consideration the operation of the Act of 1840, and that the alienation of the revenues of the diocese of Durham would not be continued.

Lord JOHN RUSSELL said, he must object to the proposal of the hon. Gentleman, because its adoption would subvert all the principles established by the various Acts with respect to the Ecclesiastical Commission. When the Commission first reported, in 1835, it was proposed that attention should be paid to the spiritual wants of various parts of the country, and the West Riding of Yorkshire and other extensive districts were pointed out, where the number of churches was utterly disproportioned to the population. But, beyond this, the first proposal of the Commissioners was, that sums should be contributed from the revenues of certain sees, and especially from that of Durham, to furnish an addition to the revenues of other sees, which were then only eked out by preferments held *in commendam.* They had proceeded upon the general principle that the superfluous funds of one district should be taken to supply the wants of other districts, and in the West Riding of Yorkshire, in Cheshire, and in Lancashire, where there was not sufficient provision for the spiritual wants of the people, funds had thus been provided for the establishment of new districts. The hon. Member now proposed to subvert that principle in regard to Durham; but if subverted in one case it must be subverted in all. In 1840, in accordance with the Report of the Commission, an exception was made with respect to tithes, and it was provided that regard should be had, in the appropriation of the funds, to the wants of the districts in which the tithes arose. He thought it might fairly be said that those tithes were given for the especial purposes of the parishes in which they were collected; but the same could not be said in respect to certain lands, the property of the Church, the produce of which might be applied to ecclesiastical purposes in other districts. It had, therefore, been laid down in the first Report that the property of the Church in one district might properly be applied to relieve the spiritual wants of another district. He could not agree to the Amendment; but he thought that the attention of Parliament should be directed more closely than had hitherto been the case to the appropriation of these funds. He considered that they should have a more specific account than had hitherto been afforded of the appropriation of the funds, and ascertain that they were really applied for the advantage of populous places where considerable spiritual destitution existed. He did not think that the diocese of Durham had had much reason to complain, for he found that 19,000*l.* had been appropriated to that diocese for the augmentation of livings, 7,500*l.* for the endowment of new parishes, and 2,300*l.* for the building of parsonage houses, besides donations to the Durham University. He did not think the diocese of Durham had been neglected, but he conceived that the House should have returns placed before it which would show the general disposition of the funds.

Mr. BLACKETT considered that the attention of Parliament must speedily be called to the necessity of providing for the spiritual wants of the diocese of Durham from the funds which were now drawn from that diocese and applied to other districts.

Amendment *withdrawn;* original clause *agreed to.*

Mr. APSLEY PELLATT moved—

> "That so much of the 11th section of the said recited Act as excepts the dean and canons of the cathedral church of Christ in Oxford from the operation thereof shall be repealed."

The SOLICITOR GENERAL explained that, if the dean and canons of Christ Church were subjected to the operation of the Act, they would be invested with powers in direct violation of the trusts upon which they held certain property, and on that account they had been exempted from its operation.

Motion *negatived.*

Other clauses moved and *agreed to.*

House resumed.

Bill *reported.*

House in Committee of Supply.

SUPPLY—MISCELLANEOUS ESTIMATES.

(1.) 12,055*l.*, General Board of Health.

Lord SEYMOUR said, he would not oppose this Vote, but he hoped that the future President of the Board, whoever he might be, would try to reduce the expenditure. He did not think that both a secretary and an assistant secretary would be required, if the business of the Board was limited to a general supervision. The inspectors, it appeared, had 5,350*l.* It was said that nearly the whole of that would be repaid by the local boards; but as far as the Members of that House were concerned, that was no sufficient answer. The people had repudiated these expensive processes. First, they had an inquiry forced upon them, to which they objected; next, there were the expenses of the survey, which they were called upon to repay. He would not, however, oppose the Vote, as it was only temporary.

Mr. HUME said, that he approved of the constitution of the Board of Health on the ground that it would relieve the House of a great deal of private business. He wished to see that Board placed on a right principle, but he objected to the men who composed it, and he was sure that by an alteration there, the interests of the department would be materially promoted. With respect to Mr. Chadwick, he did not wish to throw any slur on the past services of that gentleman. He knew him to be a man of great talent, and he believed that he would be found useful in some other departments of the public service, but he certainly did not approve of his remaining any longer in connection with a Board, in the management of whose business he had undoubtedly displayed want of judgment. He did not wish to see him any longer in the Board of Health, but he hoped that the Government would find employment for him in some other department, where his great powers of inquiry and grasping research might be made available for the interests of the country. In what he said on a former occasion he had no intention of depreciating the former services of Mr. Chadwick.

Sir G. PECHELL thought that the Vote was excessive, and that the office expenses were unreasonably large. The whole system should be remodelled, and inquiry was inevitable. He admitted the great talents and the important public services of Mr. Chadwick—in particular his exertions in connection with the Poor Laws—but he was of opinion, with the hon. Member for Montrose, that his connection with the Board of Health should no longer be continued, for he had unfortunately contributed to the unpopularity of that Board, and so impaired in some degree its usefulness. He complained that the Board of Health seemed to spend a good deal of time in circulating the pamphlets of Dr. Southwood Smith.

Mr. WILKINSON, as a friend of Dr. Southwood Smith, could not but regret that that gentleman, a man of urbane manners and fine abilities, should have fallen a victim to the great unpopularity of Mr. Chadwick. Provision had been made, or was going to be made, for giving Mr. Chadwick a retiring allowance, and he thought that a similar measure of justice should be awarded to Dr. Smith.

Sir WILLIAM MOLESWORTH said, that the Estimate was altogether a temporary and experimental Estimate; it would be for the new President to consider what ought to be the composition of the Board, and he was sure that the arrangements would be on the most economical scale compatable with efficiency. As to an assistant secretary, it was his opinion that such an officer was essential to the working of the business of the Board, but this, as well as other points, would be for the decision of the President.

Vote *agreed to,* as were also the following Votes for salaries and allowances in the public departments other than legal—

(2.) 149,859*l.*, Departments (other than Legal) heretofore charged on Consolidated Fund.

(3.) 849,402*l.*, Law Courts and Legal Charges heretofore charged on Consolidated Fund.

(4.) 109,634*l.*, Miscellaneous Charges heretofore charged on Consolidated Fund.

House resumed.

PUBLIC HEALTH (RETIRING ALLOWANCE).

Order for Committee read.

House in Committee.

MR. HUME hoped that the Government would take care to find some suitable employment for Mr. Chadwick, who, though at present in ill health, had before him the prospect of many years in which he might do good service to the public.

MR. J. WILSON said, it was an invariable rule with the Government in all cases where Parliament gave the discretion of granting pensions to public officers, to avail itself of any opportunity for finding active employment for such pensioners as should be capable of fulfilling it ; and this rule would not be lost sight of in the case of Mr. Chadwick, confessedly a gentleman well adapted, when in health, for performing valuable public service.

Resolved,

"That the Commissioners of Her Majesty's Treasury be authorised to direct the payment, out of the moneys that may be voted by Parliament, of a Retiring Allowance to one of the Members of the General Board of Health, whose office may be abolished by any Act of the present Session."

APPOINTMENT OF MR. LAWLEY TO THE GOVERNORSHIP OF SOUTH AUSTRALIA.

On the Order of the Day for the House to resolve itself into a Committee of Ways and Means,

SIR GEORGE GREY :—Sir, the right hon. Baronet the Member for Droitwich (Sir John Pakington) has given notice of his intention to call the attention of the House to the circumstances under which Her Majesty has been pleased to appoint the hon. Francis Lawley to the office of Governor of South Australia. Circumstances, Sir, have come to my knowledge within the last few days which induced me, not long ago, to address a note to the right hon. Baronet to say that I was anxious before he addressed the House in pursuance of that notice to make a statement to the House, which with its permission I will now proceed to do. Of course, after I have made that statement it will be for the right hon. Baronet or any other hon. Member to adopt such course as his sense of public duty may lead him to think fitting. I am desirous in the first place—as I am responsible for submitting to Her Majesty the name of Mr. Lawley for appointment to the governorship of South Australia—to state frankly and unreservedly at once the circumstances under which I submitted that advice to Her Majesty. When I was intrusted with the seals of the Colonial Department, but a day or two before I had actually received them from Her Majesty, I had several conferences with the Duke of Newcastle, my immediate predecessor, in which was stated the various matters of business then pending in that department, over which he had presided. Among other things he communicated to me the arrangements which he had recently made with respect to filling up various important colonial governments which were becoming in course of time vacant. He stated to me the arrangements he had made with respect to the governments of Canada, of New Brunswick, and of Norfolk Island. He stated that Sir Charles Fitzroy's term of service having expired some time ago, it had been intimated to him that he would be released from his duties in the course of the present year, and he had submitted to Her Majesty the name of Sir William Denison, the present Governor of Van Diemen's Land, as the successor to Sir Charles Fitzroy, in New South Wales. The noble Duke told me also that he had submitted to Her Majesty the name of Sir Henry Young, the present Governor of South Australia, for the governorship of New Zealand, which had become vacant by the appointment of the Governor of New Zealand to be the Governor of the Cape of Good Hope. He then informed me that, being of opinion that among gentlemen administering the government of other colonies of less importance there was no one who had particular claims on the grounds of public service or public conduct, upon the consideration of the Secretary of State for the Colonies, he had offered the governorship of South Australia to Mr. Lawley. He stated to me that his acquaintance with Mr. Lawley was not of above six months duration, but that from the acquaintance which he had had, and the opinion which he had received of Mr. Lawley's character from those in whom he could place confidence, he was of opinion that it was desirable that a gentleman in his position, of his character, and with his abilities, should accept colonial service under the Crown. He stated to me that he had been anxious to obtain the services of Mr. Lawley as Governor of South Australia, but that, as he was then on the point of surrendering the seals of the Colonial Office, he had requested Mr. Lawley to give him an immediate decision with respect to whether he was, or was not, willing to accept the governorship of South Australia. Mr. Lawley was inclined to accept the governorship, but was anxious, as a man must naturally be under such circumstances, to hold some communication with his family and his friends before he gave a decision which might affect the whole course of his future life. He asked, therefore, that a delay of a few days might be given him for deliberation. The Duke of Newcastle informed me that he had stated, in answer to that request, to Mr. Lawley, that, as he only held the seals of the Colonial Department till I had received those seals, as I should do on the next or following day, and as he should merely transact the business of the department while I was absent from London during my re-election, he did not feel that he could give the three days for deliberation which Mr. Lawley had asked for, but that he must give an affirmative or negative decision at once. He undertook, however, if the decision were a negative one, to mention the name of Mr. Lawley to me, to state all that had passed with respect to his appointment, and to inform me that had he remained Secretary of State for the Colonies he should have submitted the name of Mr. Lawley to Her Majesty for appointment to the governorship of South Australia, if Mr. Lawley, after the few days' deliberation he desired, had been disposed to accept that appointment. I am anxious to state frankly and unreservedly to the House—and I have the Duke of Newcastle's full permission to do so—what passed between us on the occasion to which I refer. Mr. Lawley was wholly unknown to me. I have seen him engaged within this House, and have sat on the same side of the House with him during the last year and a half; but certainly I have never been thrown into his society, nor been upon such terms with him as could authorise me to claim him as the most common acquaintance. The Duke of Newcastle informed me that he thought it right to state the only drawback which in his opinion might be alleged against the appointment of Mr. Lawley arose from a fact which, under the circumstances, he did not consider to be a sufficient bar to his appointment. The Duke of Newcastle told me that, like many young men, I fear, in his position in society, he had early in life been addicted to—I hardly know how to describe it in ordinary language, but all will understand what I mean—had been unfortunately "on the turf." He had, in early life, been inclined to horse-racing, a habit adopted in common with many other men of high rank and society in this country; but he submitted to me that, so far from thinking this circumstance a bar to the appointment of Mr. Lawley, or as constituting an objection to his appointment, it was, on the contrary, a recommendation under the circumstances which I am about to state. [*Laughter.*] Hon. Gentlemen opposite may laugh, but I certainly should not have expected that a party which recognised the late lamented Lord George Bentinck as their leader in this House, and who have served under the Government of Lord Derby, would have considered this as an objection. I certainly should not have thought to have heard them sneer at the employment of a person who had been so engaged, or consider that it was an absolute disqualification for office that a man had been so engaged. I pass that by, however, because if hon. Gentlemen will wait till they hear the whole facts, perhaps they will find that their sneers might have been spared. The Duke of Newcastle told me that Mr. Lawley had become deeply impressed with the conviction that the course was one which could not be abandoned too early; and he had stated that his earnest desire was to break off from those habits in which, unfortunately, I say, and say it honestly, he had been employed. Mr. Lawley stated that he had accepted the office of private secretary to my right hon. Friend the Chancellor of the Exchequer with a view to engage himself in higher and more useful pursuits, and that his desire for colonial government was partly prompted by a wish that he might be removed absolutely beyond the reach of temptation, and a recurrence to those habits which it had been his anxious desire to break off. The Duke of Newcastle further informed me that he did not consider I was bound by what had passed between himself and Mr. Lawley. He gave me his opinion, as I have already stated, that Mr. Lawley was well qualified for the appointment in question, and that it would conduce to the public service if he were so appointed. When I accepted the seals of the Colonial Office, I found that the governorship of South Australia was vacant by Her Majesty having approved of the appointment of Sir Henry Young, the then Governor of that colony, to another important government. I had not, as I said before, the slightest personal acquaintance with Mr. Lawley; and under these circumstances I did not feel myself bound, after what had passed between the Duke of Newcastle and myself, to renew the offer of that appointment to Mr. Lawley. I understood that I was perfectly free; and wishing to shrink from no responsibility in this matter, I wish to state explicitly to the House that I considered myself perfectly free to submit to Her Majesty the name of any gentleman for the appointment of Governor of South Australia. So much was I under that conviction, that I had actually made inquiries with respect to another gentleman, in order to ascertain his qualifications and his willingness to undertake that office, and I intended to have made the offer to that other gentleman, if, under all the circumstances, he had been willing to accept it. But before any decisive steps were taken with respect to filling up this government—about three weeks ago, or less —I received a communication through my private secretary from Mr. Lawley, which, I confess, gave a very different aspect to the case from that in which I had before viewed it. I was then informed, for the first time, that Mr. Lawley was under a different impression from that under which the Duke of Newcastle was, and what he had communicated to me as his impression, and which, in justice to the Duke of Newcastle, I am bound to say, he has since most explicitly confirmed. Mr. Lawley stated that he conceived, from what had passed between the Duke of Newcastle and himself, that he was not to be considered as having declined the appointment—that the time for which he asked had been allowed him, in order to consider the subject—and that for a period, during the continuance of the present Session, he had understood that it was at his option either to decline or accept the appointment. He stated that he had made up his mind, upon full consideration and communication with those with whom he had previously desired to consult, to accept the governorship of South Australia, and he expressed some surprise that he had not received any communication from me on the subject. I received this information, certainly, with some surprise, because it was contrary to the impressions which, as I have already said, I had formed from the statement of the Duke of Newcastle. I spoke to a right hon. Friend of mine, a relative of Mr. Lawley, in this House, and I found that he was under the same impression as Mr. Lawley, and that not only Mr. Lawley, but that his family and friends were under the impression that the governorship of the colony had been offered to him, and that it was in his power to decline or accept the office. I stated this fact to the Duke of Newcastle; and, again, I am bound to say, in justification of the noble Duke, he stated that the impression existing in the mind of Mr. Lawley, and of his friends, was not that which they were warranted in entertaining; that Mr. Lawley had not, it was true, declined the appointment, and that the Duke of Newcastle had undertaken to mention it to me; but that I was as free to deal with the appointment as if, instead of being a colleague of the noble Duke's, I had succeeded him as a political opponent. With me, therefore, must rest the responsibility of having submitted the name of Mr. Lawley to Her Majesty, for the appointment to the governorship of the colony of South Australia. I had to consider what my public duty required of me. I knew nothing whatever of Mr. Lawley—nothing I may say against him, not even a whisper of suspicion with respect to any transactions in which he had been engaged; and, as honourable men as any that live in this country are engaged on the turf and in horse-racing, I did not think the circumstance of Mr. Lawley having been so concerned constituted a sufficient reason why I, in the position in which I stood, should reverse the decision to which the Duke of Newcastle had come to with respect to the person to be appointed to the governorship of an important colony. Upon the other hand, I knew nothing of Mr. Lawley, and not having known anything of him, I did not, as I have said before, feel justified in making any renewed offer to him. He certainly is not a gentleman to whom—entirely from the absence of all knowledge of him, whether positive or negative, as regards his character—to whom

I should have offered the government, nor was his a name which I should have submitted to Her Majesty for the Governor of an important colony. But when I found that he had been for some weeks under the impression that he was to succeed Sir Henry Young in the government of South Australia—when I found from inquiries among his friends, and when, from contemporaries at the University—who certainly cannot be considered as inferior judges of a man's abilities, where he obtained high distinction—I received the highest testimonials as to the ability and character of Mr. Lawley—I felt that I was in this position—I must either submit his name to Her Majesty, confiding in the assurances of those who had the means of knowing him, and all whose opinions would lead me to suppose that he was admirably qualified for the post which he desired to occupy ; or, upon the other hand, without a breath of suspicion having reached me against Mr. Lawley, that I should be acting contrary to their opinions by pronouncing his unfitness for the appointment, in refusing to submit his name to Her Majesty, and thus have cast a stigma upon him which was wholly unmerited. Having obtained all the information I could from every quarter with respect to the ability of Mr. Lawley, I told my right hon. Friend (the Chancellor of the Exchequer), that although I knew nothing of that gentleman, and should not have chosen him myself, still that under all the circumstances of the case I was prepared, in accordance with his opinion, with that of the Duke of Newcastle, and of others who knew Mr. Lawley, and had had opportunities of judging of his character which I did not possess, rather than do any injury or wrong to him, and believing from all that I had heard that he would make an efficient Governor of South Australia, to submit his name to Her Majesty for that appointment. I did so submit the name to Her Majesty, and Her Majesty approved the appointment. For that recommendation I am responsible to Her Majesty, and for Her Majesty's approval of Mr. Lawley's appointment I alone am responsible. Immediately after that appointment was known—and it was known, I think, on the very day on which I received Her Majesty's approval of the appointment—the right hon. Baronet the Member for Droitwich placed upon the notice paper of the House a question to be addressed to me on the following day, asking whether Mr. Lawley had been appointed, and whether it was the intention of the Government to submit the name of Mr. Lawley to Her Majesty for appointment as Governor of South Australia, or any other colony. When I saw that notice, I can assure the House I had not even a suspicion of any circumstances connected with Mr. Lawley to which that notice could point. I came down to the House prepared to have heard from the right hon. Baronet the grounds which would have justified his putting a question which certainly was one of an unusual character. The right hon. Baronet stated no grounds for putting his question, and I need not say I do not complain of this, because the right hon. Baronet is a political opponent, and was not bound to communicate to me any public or private information which he possessed. From that day to this I have received not the slightest information with respect to the grounds upon which that question was put. I answered the question, therefore, in the only way in which I could answer it in accordance with the strictest truth, namely, that Her Majesty had been advised to appoint Mr. Lawley to the government of South Australia, and that I had advised the appointment. That question was put to me this day week, and I stated, in private to Members of this House, that I was utterly at a loss to know what that question pointed at, and that I should be thankful to be informed, in order that any valid objection to Mr. Lawley might have been investigated fairly and fully, but I was unable to take the slightest movement towards instituting such an inquiry. I should state that immediately before I submitted the name of Mr. Lawley to Her Majesty, I spoke to my right hon. Friend the Recorder of London (Mr. Stuart Wortley), in order to ascertain what his impressions were with respect to the effect of what had passed between the Duke of Newcastle and Mr. Lawley with respect to this appointment. He, as I should have expected from him, fairly told me what the Duke of Newcastle had told me before, namely, that Mr. Lawley had been "upon the turf," and he felt that that might be an objection ; but he stated at the same time, in the most explicit terms which I could desire, that there was not a single debt or liability outstanding to which Mr. Lawley was now subject, or in order to evade which he might be desirous of leaving this country on receiving the appointment. The facts, therefore, as they were known to me were—that Mr. Lawley, as I have said has been the case with too many young men to their loss, and it may be to their ultimate ruin, had been early engaged in transactions on "the turf;" but that not one whisper of dishonourable conduct in connection with that pursuit had then reached or has yet reached me; and that there was no outstanding debt or liability to which Mr. Lawley was subject on that account. If there had been, I should have felt that I was departing widely from my duty as a Minister of the Crown in submitting to Her Majesty the name of a gentleman with whom it might be an object to remove himself from the reach of those means which might be used against him in order to enforce the settlement of his liabilities. Upon this point the statement made to me by my right hon. Friend the Recorder of London was clear and unambiguous. On Friday last, after the morning sitting of the House, I returned to my office, and shortly before six o'clock, when about to return to the House, the Duke of Newcastle came to my room, and told me that he felt it his duty to come to me and inform me at the earliest moment he could, that from two separate quarters, in the course of that day, he had received information of rumours being in circulation highly injurious to the character of Mr. Lawley. He did not tell me from whom the information was derived, but stated that it was received in one instance from a Peer, and in the other from a right hon. Gentleman well known to himself as well as to me, but whose name he did not state. He told me the nature of those rumours, and as I am anxious that the House should be in full possession of all the circumstances connected with the case, hon. Members will think, perhaps, that I am only doing my duty if I state what was the nature of those rumours which were stated to me in the course of conversation. The communication was made in conversation, and I have no record of it, but I believe I shall be able to state the purport. The Duke of Newcastle stated that he had been informed that very recently Mr. Lawley had become subject to heavy liabilities and debts in connection with transactions on the turf. He told me besides that there were rumours of a much more serious character as affecting the conduct, position, and character of Mr. Lawley—namely, that Mr. Lawley had availed himself of the official knowlege acquired as private secretary to the right hon. Gentleman the Chancellor of the Exchequer, to engage in extensive speculations in the funds. The Duke of Newcastle was on his way to the House of Lords, and was obliged to leave me almost immediately. I believe that I stated to him the course I should pursue under these circumstances, but at all events the purport of what the noble Duke stated to me I have now stated to the House, and there could be no doubt as to the course which I ought immediately to adopt. I immediately put aside the business on which I was engaged, and addressed a letter to my right hon. Friend the Chancellor of the Exchequer—Mr. Lawley then being out of town—and I told him the extreme surprise and concern with which I had just received this information from the Duke of Newcastle. I told him that I was assured of his entire concurrence in what I said, and that it would likewise meet with the concurrence of the Duke of Newcastle, that if there was any foundation of truth in these rumours it would be impossible that the appointment of Mr. Lawley could proceed. I stated my most earnest hope that he would be able to disprove the truth of these rumours, and that they would be found to be destitute of foundation, and that until the receipt of satisfactory information I should suspend all further proceedings with respect to the appointment of Mr. Lawley; and that in justice to him, in justice to myself, in justice to the Government, and in justice to the colony to which he was to be appointed, these reports should be communicated to Mr. Lawley at the earliest opportunity in order that he might have the means and opportunity which every man was justly entitled to, of knowing what had been said in regard to him, and having every opportunity of explaining or refuting the charges. My right hon. Friend the Chancellor of the Exchequer immediately came to me. He told me that Mr. Lawley was out of town, that he would be in London on the following night, and I asked him what course it would be best to take with the view of bringing these facts and rumours under the notice of Mr. Lawley. He said that Mr. Lawley was to be in town the next day, and asked my opinion as to whether it was desirable that he should transmit by the post of that evening my letter to him to Mr. Lawley. As Mr. Lawley was to be in town the following day, we thought that, by sending the letter, we might incur the risk of his not only receiving it, and I thought the best way was, that my right hon. Friend should write to Mr. Lawley to say that he had received such a letter, in order to ensure his early arrival in town. On Monday morning the House sat at twelve o'clock. I was present, and asked my right hon. Friend the Recorder of London (Mr. Stuart Wortley) whether he had seen Mr. Lawley, and I was informed by him that Mr. Lawley had gone to my office in Downing-street with a view to see me there. I was in this House at the time, and my private secretary, who is also a Member of this House, was likewise here. Very shortly after that communication was made to me, after I had been informed of Mr. Lawley's desire to see me, with the view of completely denying the truth of these reports, I received through my private secretary a letter addressed to him, which he put into my hands in this House, and which contained, as it appeared to me, a clear, satisfactory, and conclusive denial of by far the most serious charge and imputation which had been brought against Mr. Lawley, namely, the fact of his having speculated in the funds upon his official information as the private secretary of the Chancellor of the Exchequer. I transmitted that letter immediately to the Duke of Newcastle, because, as it was through his Grace alone that these reports had reached me, I was desirous that he should see the terms in which the charges had been met, and I was anxious not to rely wholly on my own judgment, though I fairly avow that in writing to his Grace, I stated my belief that the terms in which Mr. Lawley's denial was expressed were quite conclusive in regard to by far the most serious of these imputations. The Duke of Newcastle concurred with me in that view. Subsequently, on meeting the Recorder of London, he renewed to me, as he was empowered to do, the direct denial of there being any liability or debt existing to which Mr. Lawley could be subject, and with a view to avoid which he was desirous of leaving this country. And with reference to that matter, I am anxious to state that in the only interview which I had with Mr. Lawley—the only opportunity which I had of speaking to him on the subject of his appointment—he appeared desirous to fix a time for his departure from this country which I thought too remote, and I told him that if he accepted the appointment I should hold him liable to proceed to the colony whenever I required him to do so, without suiting his own convenience by waiting till a more distant period. I mention that circumstance, because I think it shows that in the only conversation which I had with Mr. Lawley, there was clearly in his mind no desire to leave this country, so as to avoid any liability to which he might be subject, and that, in truth, in accepting the appointment he contemplated a longer residence here than I thought consistent with the public interests to sanction. So matters stood until this day. The right hon. Baronet opposite, in the mean time, gave notice that he would call the attention of the House to the appointment; and I then thought that I should have the opportunity of making this statement to the House, in order that it might be known precisely under what circumstances this appointment had been made, and that I might have an opportunity of referring to the testimonials, certainly of the most satisfactory kind, so far as any man's judgment can be formed from such documents, which I had received as to the ability, the honour, and the integrity of Mr. Lawley. But in the course of this morning I received from my right hon. Friend the Chancellor of the Exchequer a communication which he made, no doubt, with the deepest regret and concern, and which I need not say I received with the same feelings. From that communication it appeared that Mr. Lawley had been engaged in transactions in the funds within the last few months which, to a certain extent, justified those rumours which had been stated to me, and with regard to which I had expressed my opinion—an opinion in which my noble Friend the Duke of Newcastle entirely concurred—that if there was any foundation of truth in them the appointment of Mr. Lawley could not proceed. It is due, in justice to Mr. Lawley, to state—and it is within the knowledge of my right hon. Friend that I am able to state with certainty—that the information with regard to these transactions is derived exclusively from Mr. Lawley himself. I am informed that late last night he felt it his duty to communicate to my right hon. Friend the facts, the purport of which was communicated to me to-day. I have stated before that the charge which I understood to have been made against Mr. Lawley was this: that he had availed himself of his official knowledge as private secretary to my right hon. Friend to engage in these speculations in the funds. I have no reason to believe that that is the case. I am informed that the speculations in which Mr. Lawley engaged were losing speculations and not gaining speculations. Mr. Lawley is entitled to the benefit of that statement; but, however he may be affected by it, I am bound to say that in my opinion it did not in the least affect my duty to the Crown, to this country, and to the colony, and I immediately addressed a letter to Her Majesty, expressing my great regret and concern that I had recently submitted for the approval of Her Majesty an appointment which I now felt it my imperative duty, under circumstances which had just come to my knowledge, humbly to advise Her Majesty to revoke. I believe I have now submitted the whole of this painful case. Painful I may say to me it has been to make this statement. Though I have thought it right to state what passed between the Duke of Newcastle and myself before I accepted the seals of the Colonial Office in correction of the impression which existed in the mind of Mr. Lawley and that of his Friends, yet I feel that the responsibility of submitting the name of Mr. Lawley to Her Majesty devolves no doubt on myself; and any censure which the House may feel is due to that act I will humbly and patiently submit to, though, as I have already said, the motives which influenced me were such as I venture to think would have influenced any other man in my position. In the absence of the slightest shadow of suspicion which had been suggested to me as attaching to the integrity and honour of Mr. Lawley, and with the strong testimonials I had in my hand to his ability and qualifications from those in whom I had confidence, I think I could not have acted otherwise than I did. I believe I have now stated, fully, frankly, and unreservedly to the House all the circumstances of this transaction. Having done so, it is for the right hon. Baronet opposite to take any course which his sense of public duty may lead him to take with regard to this subject. I am at this moment absolutely in ignorance of the grounds upon which the right hon. Baronet placed his notice upon the paper. I am told that an application was made to him, before the facts I have stated were known, to ascertain whether he intended to impugn the appointment of Mr. Lawley upon public or private grounds, but that the right hon. Gentleman, in the exercise of a discretion which I do not question, declined to give any such information. If it had not been for Mr. Lawley's own act—if he had not stated fully, freely, and unreservedly to my right hon. Friend the Chancellor of the Exchequer the whole circumstances of his transactions in the funds—I should have come down to this House to-night ignorant of the grounds upon which the right hon. Baronet meant to impugn the appointment, and I might thereby have been led to make statements which I might afterwards deeply have regretted, but which Mr. Lawley has now prevented me from being induced to make by the statement which he has himself made. The appointment, as I said before, Her Majesty has been advised to revoke; and I may state here that, when Mr. Lawley made his statement last night, he felt that he was making a statement which would prove fatal to his prospects in the Colonies, and at once declared that he considered his appointment altogether at an end. I have only to add that if, after the statement I have made, the House wishes for further information upon the subject, or thinks that an investigation into all the circumstances of the case should take place, Her Majesty's Government is in the hands of the House and is ready and willing to agree to whatever may be considered necessary.

SIR JOHN PAKINGTON: notwithstanding the observations with which the right hon. Baronet has closed his speech, I beg to state that I am deeply sensible of the perfect candour with which the right hon. Gentleman has now addressed the House, and that I am no less sensible of the honourable feeling which has distinguished that speech. I can assure the right hon. Baronet that, whatever political differences may divide us, I do not believe that he is a man who would recommend to the Sovereign the appointment of any person to exercise the high and responsible duties of a Colonial Governor, unless he was satisfied of the fitness of that individual; and I hope the right hon. Gentleman will do me equal justice, and will believe that I have approached this painful subject solely and exclusively from a strong and paramount sense of public duty, arising from the deep interest which I naturally take in the welfare of our colonial dependencies. I had no desire to impede the fair advancement of a gentleman towards whom I did not feel, or could not feel, a shadow of personal enmity; nor could I have any desire to wound the feelings of the friends of that gentleman, many of whom are personal friends of my own. But I am unable to agree altogether in the opinion which appears to have been entertained by the Duke of Newcastle, and which the right hon. Baronet, as I understood him, has himself avowed of the personal fitness, irrespective of these painful rumours and transactions, of Mr. Lawley for the situation to which he was appointed. The right hon. Baronet has stated that I gave him no grounds for the question which I put to him this day week. I can assure the right hon. Gentleman that if he thought I was deficient in courtesy in the course I then took, or wanting in fairness in not having held communication with him, with regard to the course which I intended to take to-day, no such discourtesy was meant by me. I deeply felt the difficulty and delicacy of the duty which I had undertaken. I was desirous not to say a word more upon this painful subject than I could possibly help; and I can assure the right hon. Baronet, in consequence of the reference which he has made to me, that it was not till within the last few hours that I could conclusively make up my mind as to the course which my public duty required me to take. I have said that I could not concur in the opinion of the Duke of Newcastle with regard to the personal fitness of Mr. Lawley for this appointment; but I think the right hon. Baronet will agree with me, that among the patronage of the Crown, which is exercised by the advisers of the Crown, there is scarcely any which ought to be exercised with greater care and with a more anxious and single-minded reference to the public interests than the appointment of governors for our colonies. Those appointments ought to be made in such a manner as not only to secure the satisfaction and confidence of this country, but what is still more important, to satisfy the colonists over whom the gentlemen so chosen are to preside, that these appointments have been made solely with reference to the interests and welfare of the colonies. If this is true generally, it is especially and peculiarly so with reference to the Australian Colonies at the present moment. The discoveries of gold have put these colonies in a most critical position. They require the anxious care and attention of the Imperial and of the Colonial Governments. The Colony of Victoria at a very recent period, I may without exaggeration say, was almost disorganised. The Colony of South Australia, immediately contiguous to Victoria, although no discoveries of gold have been made within it, has undergone a period of great social and commercial disturbance; and it was desirable for the interests of that colony, and, indeed, of all the Australian Colonies, that any gentleman selected to be governor should possess statesman-like qualities and known abilities. He ought to be a man of great experience in public affairs, of great firmness, and of great judgment. He ought to be a man whose character should at once inspire confidence in his qualifications, and enable him to give a healthy moral tone to that society of which he is to be the head, and ought to be the leader and the guide. Now, sir, I do not think that I at all disparage the claims of Mr. Lawley—I think I say nothing to which the friends of Mr. Lawley can take any fair exception—when I state that, considering his age and position, and his limited experience in public affairs, the appointment of Mr. Lawley, under any circumstances, as governor of one of the Australian colonies at this moment, was one that was but too likely to excite feelings of dissatisfaction in the colony, and was one not likely to conduce to the advantage of those rising communities. But, irrespective of this consideration, when I gave notice of my intended Motion two days ago, the hon. and learned Gentleman the Recorder of London (Mr. Stuart Wortley) adverted to what he spoke of as calumnious rumours, and expressed very naturally his anxiety for an opportunity to meet and dispose of those rumours. The right hon. Baronet the Secretary for the Colonies has now again referred to these rumours. He has given fresh proof of their extended currency. They have been commented upon by the public press. [SIR GEORGE GREY: I had not seen them.] They have become the subject of remark in society; and under these circumstances I did feel that my public duty required that I should call the attention of the House and of the Government to this appointment, in order that, before Mr. Lawley left this country to undertake the government of the important colony of South Australia, these rumours, which had become current in every circle, might be set at rest one way or the other. I did feel that it was due to Mr. Lawley himself, that it was due to the Government who appointed him, but, above all, that it was due to the colony, that Mr. Lawley should not commence his career under the disadvantage of having these rumours preceding his arrival in the colony, and therefore under circumstances which could not but be disadvantageous to him as well as to those whom he was appointed to govern. It was, therefore, really as a matter of public duty, and in a spirit of fairness to all parties, that I did venture to give my opinion, that before Mr. Lawley commenced the important duties which the Government has assigned to him, these rumours should be disposed of one way or the other. After the speech which the right hon. Baronet has made, and after the distressing conclusion of that speech, I think it is hardly necessary for me to say that I should certainly not have considered that the mere fact of having been connected with the sport of horse-racing was of itself a disqualification for holding the office of Governor of South Australia or any other high appointment. I believe, without reference to party considerations, without regard to one side of the House or the other, I may affirm that noblemen and gentlemen of as high and unimpeachable honour as ever adorned society in this country have taken an interest in the sport of horse-racing; and that it would be an absurdity to contend that a mere taste for that sport was of itself a disqualification for holding office under the Crown; this, however, must be a question of degree, but I will not further press that subject. The right hon. Baronet has asked me what course I intend to take. To that I can return but one answer—the course taken by the right hon. Baronet himself has spared me from a painful duty. I think that, under the circumstances which have occurred, Mr. Lawley has acted as a gentleman in his position ought to have acted, and so far as I am concerned, nothing further will fall from me upon this subject. The subject must now be considered to be at an end. I cannot but think that the information which has been communicated to us justifies me in the course which I thought it my duty to take. I shall say no more upon that point, but shall conclude by expressing the hope, which I trust may be considered almost as superfluous, that the House will believe that nothing but a paramount sense of public duty has induced me to take any part at all in this transaction.

MR. STUART WORTLEY: I need not say that I rise upon the present occasion with feelings of the most painful nature, not on account of the explanation which I feel to be due to the House with respect to what took place upon a former evening, but because I feel that I have in my hands the interests of one who must ever be dear to me, and because I am apprehensive that any imprudent expression on my part would be dangerous to a reputation which hitherto has been untarnished. The right hon. Baronet the Secretary for the Colonies has expressed his regret that the right hon. Gentleman opposite has up to the present moment never intimated, either to the minister who was responsible for the appointment, or to the friends of Mr. Lawley, the nature of the charge which he intended to make—whether it was upon public grounds as to the fitness of the individual selected, or whether it was upon such private grounds as those which have been referred to this evening. Under these circumstances, there was nothing for Mr. Lawley and his friends to do but to collect from public rumour what it was that the right hon. Gentleman opposite meant, and that public rumour undoubtedly embodied the charges which have been already referred to. By far the gravest and most important of these charges was this, that Mr. Lawley had availed himself of his official knowledge as private Secretary to the Chancellor of the Exchequer to speculate in the funds. The moment that I heard that imputation I utterly disbelieved it. But before entering upon that subject, allow me to confirm some of the statements which have been made by the Colonial Secretary in justification of Mr. Lawley. I must tell the House, in the first place, that this appointment was obtained by Mr. Lawley solely by his own exertions. No person applied for it in his behalf; no influence was used by his relatives or others at the Colonial Office to obtain it for him; it was his merits, and his merits alone—his services in the last eighteen months, during which he has been a most able, efficient, and faithful servant of the Chancellor of the Exchequer—which recommended him to official men for that appointment. I myself heard of the appointment with surprise. At first I was informed that the appointment was to the governorship of West Australia, and as a relative of Mr. Lawley I more than once remonstrated, and expressed my regret that so able and so promising a man should thus place himself in exile. I found I was mistaken, and that the appointment was to South Australia. But even then it was with great reluctance that the friends of Mr. Lawley could approve of his leaving this country. When, however, we were told that the Chancellor of the Exchequer had recommended him to accept the appointment, and that it would afford him an opportunity of withdrawing from that unhappy connection which has been the unfortunate cause of all this mischief, we rejoiced that an opportunity, which I knew he was himself anxious to obtain, had been placed within his reach. A connection with the turf, as it is called, is unfortunately one from which a man cannot withdraw himself in a minute. He has contracted obligations to which he must be attentive in order to avert great losses at a future time, and it is impossible to withdraw himself from such a connection suddenly. I was consequently aware that prior to the time when this appointment was offered to him Mr. Lawley had not been able entirely to extricate himself; but I knew at the same time that he was anxiously desirous to do so as soon as possible, and it was upon that ground that his family were prepared to recommend him to accept the governorship of South Australia, though they certainly were of opinion that the acceptance of such an appointment on the part of a man with his connections, with his fortune, with his abilities, and his determination to devote them to the public service, and above all, with a seat in Parliament, would certainly involve some sacrifice. Not that I mean to depreciate so high and important an office as the governorship of South Australia; I merely state what our views were; but at all events Mr. Lawley was advised to accept the appointment. The right hon. Baronet the Secretary for the Colonies, as he has already stated to the House, came to me and asked me what was the understanding of Mr. Lawley's family with reference to what had passed between him and the Duke of Newcastle. My answer was, that we had all understood that the office was placed at Mr. Lawley's disposal, but that he had asked and obtained time to consider the subject. The right hon. Baronet, in the handsomest and kindest manner, immediately said that there was an end to all further question in regard to the appointment, and that he was willing to take the whole responsibility of Mr. Lawley's nomination. I then thought it my duty to state to the right hon. Baronet that Mr. Lawley had not only been on the turf, but had also incurred losses and embarrassments—that he had made a full statement of all his difficulties to his friends, and that care would be taken, he having considerable expectations, that by the time he left this country he should not be a single farthing in debt. Under these circumstances, I was much astonished when a question was put by the right hon. Baronet opposite on the subject. I should not have been astonished if the right hon. Baronet had at once stated his objection to the appointment to be on political grounds, for, when I considered Mr. Lawley's youth, I had no right to be surprised that some objection would be entertained. I applied to the right hon. Baronet, and asked him if it was his intention to follow his question by taking any other step. The right hon. Gentleman declined giving any information on the subject. I then asked him whether he would found his objections on public or private grounds. The right hon. Baronet again declined giving any information.

Sir JOHN PAKINGTON: I did not decline giving information, but what I said was, that I was unable at that time to give an answer, but that I would let the right hon. Gentleman know my intention as soon as I possibly could.

Mr. STUART WORTLEY: You said that you would give me an answer on the following Thursday, which was the day on which you were to bring forward your question. This was by word of mouth; but I had received a letter from the right hon. Gentleman stating that he could not tell me what his intentions were. Mr. Lawley was out of town at that time. I wrote to him immediately that it was necessary he should come to London. He came. I saw him the moment he arrived. He told me that he had seen attacks against him in the newspapers, not on private, but on public grounds, and frankly admitted that the appointment of so young a man to an office of such importance might very fairly be made the subject of comment and animadversion in the press. I told him that there were charges affecting his personal honour, which he must be prepared to meet if he intended to hold the appointment. I said I was unable to ascertain the grounds or purport of the Motion which the right hon. Baronet intended to make in this House, but I added it was rumoured, and that the rumour had reached the Duke of Newcastle and Sir George Grey, that he had availed himself of the official information which he obtained as private secretary to the Chancellor of the Exchequer for the purpose of speculating in the funds. He denied that charge in the strongest and most indignant terms. I rejoiced that he did so, and advised him to write immediately to Sir George Grey to that effect. Such were the circumstances which led me upon a former occasion to refer to what I called the "calumnious rumours" which were afloat concerning Mr. Lawley. To this moment I believe I have Mr. Lawley's authority for saying that he never has used his official knowledge as private secretary to the Chancellor of the Exchequer for the purpose of speculating in the funds; and, indeed, it is clear and manifest that he has never done so, for, as has been already stated, his speculations have been losing speculations, and have only increased his difficulties. Subsequently, however, he thought it right —having up to that time concealed the fact, under the false impression that he was bound not to disclose the names of others — to state to the Chancellor of the Exchequer that he had been engaged in speculating in the funds, but that those speculations had been wholly unconnected with any official information which he might have possessed. Under these circumstances, Mr. Lawley does not complain in the slightest degree of the step which has been taken by the right hon. Baronet the Secretary for the Colonies; on the contrary, he has no doubt that the public service required it, and that, after such a great indiscretion as he had been guilty of, it was of course utterly impossible that his appointment could proceed. I have stated that it was by his own merits alone that he obtained this appointment. I do not rely upon my own opinion upon that point. It might be biassed by partiality. Nor do I rely upon the opinion of his friends merely, but upon that of public men having the greatest opportunities of judging of Mr. Lawley, his capacity and qualifications. I hold in my hand a letter from one of the most distinguished public servants in the country —a gentleman unconnected with Mr. Lawley in politics—Mr. John Wood, Chairman of the Board of Inland Revenue. He had frequently spoken to me about this appointment, and had referred in the highest terms to the ability and fitness of Mr. Lawley for the office. I asked him if he would have any objection to put his opinion upon paper. His words are these—

> "I wish I had the opportunity to give my public testimony to his fitness for the appointment. I could refer to my knowledge of him for very many years, and more particularly to my experience during the two Sessions he has acted as private secretary to the Chancellor of the Exchequer. Seldom has a day passed during that period in which I have not had communication with him, and this is by no means the first occasion on which I have expressed my admiration of his talents, his indefatigable industry, and his singular aptitude for business. These qualities are enhanced by a most amiable temper and an earnest sincerity, which are peculiarly valuable in official life. I am well aware that he has long entertained a partiality for colonial government, and has been desirous to qualify himself for it; and, much as I wish that he had remained in this country, I am in some degree reconciled to his going, believing that an honourable career of distinguished usefulness is before him."

That is the opinion of a disinterested and certainly most capable witness. But I have another testimony—not from a gentleman belonging to the same political party as Mr. Lawley—not from an old friend — but from a distinguished man, holding a high and important office. It is to the following effect—

> "I shall much regret your departure from Downing Street, whoever may be your successor, and you have my hearty good wishes for your success in your government, of which I cannot have a doubt, for you will bring to the discharge of your duties talents, activity, and honesty of purpose, and every quality requisite to ensure succes."

That is the opinion of the Chairman of the Board of Customs, Sir Thomas Freemantle. I feel it due to the Government who made this appointment to bring before the House these testimonies to the fitness of Mr. Lawley; and I do so also for the purpose of confirming what I have already said, that he obtained the appointment, not by the influence of friends, but by his own merits, and of showing that it was an honourable ambition which prompted him to accept it. I likewise wish to state that until a late hour last night neither his own family nor any Member of the Government could have been at all aware of his transactions in the funds. I can only repeat most emphatically that I believe on no occasion has Mr. Lawley used his official information for the purpose of assisting in these speculations. They are the unfortunate consequence of a habit acquired in former years, when he kept the society of men who indulged in gambling transactions of this description, but in no instance has he availed himself of his official position. If there be the slightest doubt of that, Mr. Lawley is willing to lay bare his breast, and submit to any inquiry or examination, either by a Committee or any other tribunal the House of Commons may think necessary. I have again to assert that, though there may be, as I deeply regret there are, reflections on his prudence, on his honour there are none—that though there may have been a connection with transactions of the kind referred to, yet that that connection was not of a nature that could in any way detract from his usefulness as a public servant; and I trust he will survive to resume, at some future time, the career from which he is at present displaced, with better hopes and under better auspices.

LORD DUDLEY STUART said, although he had not the honour of Mr. Lawley's acquaintance, and although it might seem strange that, sitting on the same side of the House, he did not even know that gentleman by sight, he was exceedingly desirous of having one question answered by the right hon. Gentleman the secretary for the Colonies, for the sake of Mr. Lawley himself, and he earnestly wished and expected the answer would be favourable to him. The right hon. Gentleman said that he had received information which satisfied him that Mr. Lawley, during the time he had filled the office of secretary to the Chancellor of the Exchequer, had not speculated in the funds. The right hon. Gentleman also stated, that subsequently he had received from Mr. Lawley himself a letter, acknowledging that unfortunately he had during that time fallen into the error of speculating in the funds, or entering into some transactions connected with the funds, although he had not availed himself of his official information in any way for the purpose of conducting those speculations. Many hon. Gentlemen near him understood the right hon. Gentleman to say that he had received a letter from Mr. Lawley, at first stating that he had not during the period he held the office of secretary to the Chancellor of the Exchequer speculated in the funds. He wished to know whether that impression was correct? Whether, what Mr. Lawley stated was—that he had not used his official information in speculating in the funds; or was it, that he had not speculated in the funds during the time he was secretary to the Chancellor of the Exchequer?

SIR GEORGE GREY had stated before, that, in consequence of rumours which reached the Duke of Newcastle, which the Duke of Newcastle communicated to him, and which he immediately communicated in writing to the Chancellor of the Exchequer, which were that Mr. Lawley had made use of his official knowledge, as private secretary of the Chancellor of the Exchequer, to speculate in the funds, on Monday he received a communication, not addressed directly to himself, but a communication which he thought, and had a right to think, was satisfactory and conclusive on these grounds. He certainly understood the purport of that communication to cover the denial of any speculation in the funds during the time Mr. Lawley was private secretary to his right hon. Friend the Chancellor of the Exchequer. But, as he had distinctly stated, a reply was required directly to the point, had he made use of his official knowledge for the purpose of speculating in the funds? and he was bound to believe that the denial, whatever the terms, had reference to the charge which was communicated in writing to his right hon. Friend.

MR. DISRAELI: When the conduct of an individual is under discussion, it is not agreeable to interfere, especially after the painful conclusion which has taken place to-day; but there were some observations which fell from the right hon. Gentleman the Recorder of London, differing in some degree from the Secretary of State for the Colonies, with respect to the conduct of my right hon. Friend the Member for Droitwich (Sir John Pakington) which I do not think I ought to pass over unnoticed. Those right hon. Gentlemen seem to charge my right hon. Friend with want of straightforwardness and candour, because, after he felt it his duty to give notice that he should bring this subject of the appointment of Mr. Lawley as Governor of South Australia before the consideration of the House, he did not state explicitly what were the grounds upon which he was about to challenge the propriety of that appointment. I think the House will feel, after what it has heard this evening, that my right hon. Friend was placed in a situation of extreme difficulty, and that it was impossible for him definitely and precisely to state what were the charges he had to make against Mr. Lawley, or on what particular grounds he would challenge the propriety of that appointment. I am myself individually aware of the extreme pain which my right hon. Friend felt during the few days which have elapsed with regard to this question. On more than one occasion he did me the honour of consulting me, and certainly the opinion I gave him was not one which at all encouraged him in any precipitate conduct in the affair. My right hon. Friend was actuated by as pure a sense of public duty as would influence any gentleman. I am sure if the letter referred to by the learned Recorder were read to the House, it would show that my right hon. Friend was influenced by feelings of the utmost courtesy and cordiality, and I feel it my duty, after the observations which have been made, to express my own opinion (and I hope and believe it is the opinion of a majority of this House, of Gentlemen on both sides) that the conduct of my right hon. Friend the Member for Droitwich has been perfectly justified by all that has passed.

MR. BRIGHT: I think the House will be disposed to pass from the consideration of a case, certainly the most painful that has occurred since I have had the honour to be a Member of it, and I should not say a syllable with regard to a gentleman who, possibly without intending anything wrong, is placed in a position which must give great pain to himself and his friends. But there is another point involved in this notice which has been very much concealed, or rather pressed out of sight by the urgency of the personal case, and that is the fact of the appointment of a gentleman to an office of high responsibility under circumstances, apart from all private character, which, I think, deserves the attention of the House. I think the right hon. Gentleman the Colonial Secretary partly, if not entirely, admitted that when this appointment was brought under his notice, he himself had some doubt as to the propriety of it, and I think the right hon. Gentleman the Recorder of the City of London said that he heard of the appointment with astonishment. I may say, I believe that feeling of astonishment was almost universal among Members of this House; and if a feeling of astonishment was created here, I should like to ask what must we expect to be the feeling in the Colony over which this appointment was made? I am not one of those who think that colonial appointments of this kind are unimportant; for let the House bear in mind, almost the only tie which connects our Colonies with the mother country is the tie of the colonial government, and probably nothing in the whole colonial system is more important than the appointment of the individuals who in those Colonies shall represent the Crown. My opinion is, that it is indispensable that in appointments of this character you should have, not men who have shown great proficiency at Oxford or great abilities as private secretaries here, but men, if possible, known to the public, whose conduct has been approved before the country, and in whom the Colony itself should have good reason for placing great confidence. Now, in this case it is admitted that this gentleman was almost unknown. There are not a few Members, I will undertake to say, on this side of the House, who actually have no knowledge of his personal appearance. It is admitted that he had been in this House for nearly two years, and taken no part whatever, that I have heard of, in its deliberations; and without saying one single syllable against him, but allowing everything which has been said in his favour, I put it to the House whether it be desirable, having regard to our position in connection with the Colonies, that appointments of men, however excellent or admirable, who are unknown, should be thus made. And I hope what has taken place to-night will have an influence on the Colonial Secretary with regard to other appointments which are before long to be made. I have heard also rumours of appointments which are looming in the not distant future, and although I have no expectation that we shall ever have such another scene as we have had to-night, yet I can quite conceive it possible that vast interests may be jeopardised—I will not say the peace, but the satisfaction and good-will of colonies may be jeopardised—by appointments for which there are no solid foundations. I think the Duke of Newcastle was wrong in the course he took in this particular matter, and that the present Colonial Secretary, out of deference and delicacy to what was done, was not sufficiently alive to the interests of the country and the wants of the Colony, in the appointment of its Governor. With regard to the right hon. Gentleman the Member for Droitwich (Sir John Pakington), I cannot conceive that any one can say for a moment he has not performed precisely his duty in this matter. The right hon. Gentleman knew what rumours were afloat. He did not want to make a parade of these things, and to bring them unnecessarily before the House. He asked a question which was sufficient to create inquiry in the mind of the Colonial Secretary. The right hon. Gentleman the Member for Droitwich may have been in hopes that if any of these charges, the rumour of which was confined to himself, were true, that then, without any exposure such as has taken place, the appointment might have been rescinded, and the whole matter terminated without any unpleasant discussion such as has taken place to-night. Therefore the right hon. Gentleman, performing clearly his public duty with that knowledge which had come to him, performed it not only in a manner due to the public service, but also with the greatest possible delicacy towards individuals concerned. For myself, though extremely sorry that this question has come before the House as it has done, I hope it may be a warning to the present Colonial Secretary and his successors that the men to be appointed to these onerous and responsible offices—to be sent to the other side of the globe to represent the Monarch of these realms, and to carry out the behests of the Imperial Parliament—should at least be men to whom no one here can point a finger, and men who can at least deserve, if not obtain, the full confidence of the population they are intended to govern.

MR. ADDERLEY thought that everybody must allow that the appointment of Mr. Lawley was a most unfortunate one, and more especially unfortunate for that gentleman himself, though, after all, he had not been guilty of anything dishonourable. He was known as a young man of very first-rate abilities, and he believed that there was no reflection cast on his honour, the only charge to which he could be held liable being want of discretion in his private station. But he had been sacrificed by a still greater want of discretion on the part of Her Majesty's Ministers in making such an appointment. It seemed, from the statement of the Secretary of the Colonies himself, that he did not approve of it. The hon. Member for Manchester was perfectly justified in saying that this was not an appointment in times like the present for the improvement of our colonies in Australia. The colonies at this moment were very sensitive on these points. They had a suspicion that these appointments were made more with a view to the interests of those at home than to the interests of those who were on the spot, and, at all events, it must be admitted that the appointment of this gentleman had shown that such a suspicion was well founded. It should be borne in mind, too, that this was in sequence of the recent appointment of Mr. Stonor, as Judge in Victoria, which was another of these questionable appointments, and he thought that an appointment of so kindred a character occurring so immediately after was most unfortunate. In both cases the interests of the Colonies were not considered with that deliberation they should have been, and in both cases the unfortunate men had been sacrificed for want of discretion on the part of the Government who made the appointments. By those who thought that the loss of her Colonies would cause England to sink in the scale of nations, any want of discretion on the part of the Government must be considered as a matter of most serious concern. What did the colonists say? They said, "You give us constitutions, you want us to manage our own affairs, and if you want good governors and cannot find them at home we can supply them." The Colonies had furnished such men. Washington, as all knew, was one of the very first men in history. There was one observation used by the right hon. Gentleman the Recorder of London to which he must call attention. That right hon. Gentleman said that, when he heard of this appointment, he gave Mr. Lawley advice, and told him not to exile himself by accepting such an appointment. It might be, certainly, a great condescension on the part of a young gentleman to give up his prospects in this country and become an exile, although a governor in the Colonies; but, if that was the feeling of English gentlemen, the colonists themselves might seek to be raised to such positions of influence and dignity in the administration of their affairs which they best understood, and in which they were most deeply concerned.

THE CHANCELLOR OF THE EXCHEQUER: I do not think it necessary for me to enter on the personal and more painful part of this subject, except only that as I still feel a warm and affectionate interest in the future of Mr. Lawley, I cannot refrain from tendering my thanks to the House, and to those who have spoken in this debate, for the fair and considerate spirit in which they have approached this question. And I think it only justice to the right hon. Gentleman opposite (Sir J. Pakington) to tender him my thanks, particularly as I am one who might question the discretion in the exercise he has used of his undoubted right to bring this subject forward, and to say that the speech he has made to-night has entirely convinced me that he is not only governed in these proceedings by a sense of public duty, but that he is sincerely desirous to unite the performance of that duty with every consideration and tenderness towards the gentleman who is the subject of discussion. It is not altogether usual, perhaps, for colleagues to endeavour to do justice to one another in this House, or to offer explanations on one another's behalf, when they are challenged as to the mode in which they exercise their particular functions; but, at the same time, in the intimate relations I have stood to Mr. Lawley—first, as a private connection, and secondly, in my official capacity — and bearing in mind the peculiar circumstances under which my right hon. Friend near me (Sir G. Grey) has become, as he manfully says, responsible for this appointment—I feel that something is due to him, also, from me. But a few weeks have elapsed since my right hon. Friend assumed his present office, having immediately before occupied the position of an independent Member of this House; and I think the House will feel that although my right hon. Friend has challenged that responsibility, yet the greater part of it, in fact, belongs to those who, not ostensibly, were the authors of the appointment; and I am quite certain my noble Friend (the Duke of Newcastle), who recently presided over the Colonial Departments, is the very last man to desire that any one should relieve him of one grain or tittle of any responsibility which attaches to him in the discharge of his official duties. Sir, undoubtedly the origin of that appointment, as I believe, lay in suggestions made to the Duke of Newcastle, not by my hon. Friend (Mr. Lawley), or any of his family, but by those who made the suggestions upon personal knowledge and public grounds, on the distinct conviction the appointment would be one beneficial to the interests of the Colony. I will not conceal the fact that my noble Friend the Duke of Newcastle did not determine to recommend Mr. Lawley for that appointment without reference to me. He naturally looked to me to supply him with information, and to give distinctly an answer to the question, whether in my judgment Mr. Lawley was or was not a fit person for that appointment. Between the Duke of Newcastle and myself the principal part of the responsibility of the appointment is shared—the Duke of Newcastle, in the first instance, being the official author of the proposal, and I being the principal witness to whom he referred. I cannot consent—(and that is the main reason why I rose)—I cannot consent to leave this question on the footing on which it is placed by my hon. Friend who has just sat down. I agree with him in all he has said with respect to colonial government. I may agree with him, though, perhaps, few will accompany us, that, if it were the desire of the people of South Australia to recommend their own governor, it would be a wise act of the Government of this country to gratify that desire. But when it is said on this occasion, "Why not let the people of South Australia choose a governor themselves," it is enough for me to point out that the people of South Australia had expressed no such wish, and my belief, I am bound to say, is this, that it is the desire of the people of the Colonies at this moment to receive governors selected, as best they can, by Ministers from among qualified persons known to them in this country. Can it be said that Mr. Lawley's was, on public grounds, a questionable appointment, and discreditable to the Government? My hon. Friend the Member for Manchester says he was totally unknown in this House. I think he said he did not know him by sight. Why was Mr. Lawley unknown to this House? It may be perfectly true he was not well known, for as long as he held the office of private secretary to the Chancellor of the Exchequer it was impossible for Mr. Lawley to acquire that distinction in this House which his abilities and knowledge fairly entitled him to. There was something in the nature of the duties of secretary to the Chancellor of the Exchequer which would prevent an individual from doing justice to himself. My right hon. Friend near me (Sir C. Wood), who has filled the office, and the right hon. Gentleman (Mr. Disraeli), if he had not left the House, would bear me out when I say that the duties of private secretary to the Chancellor of the Exchequer are not analogous to those of private secretaries to other Ministers, but are in a great degree official and departmental duties. In the anomalous position of the Chancellor of the Exchequer, who is placed more outside the Treasury than inside it, and who has important communications with the Board of Inland Revenue, with the Customs, with the Bank of England, with the Commissioners for the Reduction of the National Debt, in the discharge of almost all the important functions of his office, he uses his private secretary as the medium, and calls on him to discharge duties more usually discharged by officials in departments. I do not scruple to tell the hon. Member for Manchester that in my judgment, although my friend Mr. Lawley has not had an opportunity of acquiring distinction in this House so as to make himself well known, yet he has done more labour for the public during the last Session and the present, and acquired more experience in public business of an important and difficult character, than falls to the lot of most of those who sit here for, I do not say one or two, but who have sat five, six, or it may be ten, Sessions in this House. That I say on the strength of my own official knowledge. It is very well to say that you ought not to appoint unknown men to be governors of colonies. That is very sound doctrine, but those who call upon the Government to adopt it as an invariable rule should consider what we offer the governor of a colony, and what we have to expect from him. You have to ask that he should expatriate himself, that he should place himself in a society often comparatively rude, in a climate frequently insalubrious, with a great risk of not maintaining his popularity for any lengthened period; and, therefore, almost with the certainty of his term of office being short, and also with the liability of being recalled at any time through the caprice of a Colonial Secretary, without, perhaps, any reason being assigned. With this prospect, I do not hesitate to say the remuneration in most instances is miserably low. Therefore it is vain to come forward, like the hon. Member for Manchester, and say, "It is the duty of the Government to select only well-known men." You may ask well-known men, and they will not go. No man who is well and favourably known in this country will have such an appointment. Those who have had to make these appointments know the extreme difficulty of finding competent persons who will accept them, and the only resource is to fall back upon men not well known, but who, having had some opportunities of estimating their qualifications, you feel assured will hereafter be well known, and fit for the duties which you propose to impose upon them. That is no new doctrine. I should like to know who are the men who are now most distinguished in the government of colonies. There may be rare exceptions in which they were known to the public before their appointment, as in the case of Lord Metcalfe, who was sent out by Lord Derby to Canada. Lord Metcalfe being one of the most heroic and munificent spirits that ever entered the public service—one who disregarded personal advantage, but went straight to the performance of public duty after he had indeed become well known. I shall have to refer to another appointment of Lord Derby in terms of commendation. That appointment of Lord Metcalfe was a happy selection; but I should like to know how many other well-known men were well known when appointed. I need only mention the gentleman who has just been promoted to the governorship of New South Wales—Sir William Denison. Did the hon. Member for Manchester know him by sight? Had he been in this House? Had he ever been in political life? Had he ever discharged any political duties? No, nothing of the sort. He was an able engineer; and I am the person who selected him. [Sir JOHN PAKINGTON: Hear, hear!] I do not know what the right hon. Gentleman means by that cheer, but I think I am justified in referring to the case when it is made a charge against the Government that they have appointed a governor of a colony who was totally inexperienced in public affairs. Sir William Denison was then perfectly inexperienced. He is now well known, honourably known, and has well earned the promotion he has received. That is one case; but in point of fact, that case represents the general rule. But now we are told that no Government ought to appoint anybody but a man of distinguished abilities, and that Mr. Lawley's youth and inexperience unfitted him for this appointment. I will support the appointment of my hon. Friend by reference to an appointment which, I think, no man will question. If the hon. Gentleman (Mr. Adderley) condemns the appointment of Mr. Lawley because he is inexperienced and young, I want to know what he will say to the appointment of Lord Elgin. I refer to Lord Elgin as one of the most distinguished, and one of the most successful of colonial governors, and who has been recently engaged in political negotiations of the most difficult description. What was the age of Lord Elgin when he was appointed? I believe precisely the same age as Mr. Lawley. What was the post to which Lord Elgin was appointed as compared with that of Mr. Lawley's? Mr. Lawley was appointed Governor of South Australia, with a population of 40,000 or 50,000 persons. Lord Elgin was appointed Governor of Jamaica when the Colony was in the agonising struggles which followed emancipation, and with a population of 400,000 or 500,000 persons. Mr. Lawley was appointed after two years' arduous service as secretary to the Chancellor of the Exchequer—after two Sessions in this House. Lord Elgin had been six weeks in this House, during which he had the opportunity of proving his ability by a speech which he made. But it must be recollected that the ability of Mr. Lawley is not called in question; it is only his inexperience in public affairs which is objected to. Lord Elgin had no opportunity of acquiring experience in public affairs. That appointment was made by Lord Derby? Does it reflect discredit on Lord Derby? Does not every one feel that it can only reflect honour upon Lord Derby, and that it supports the proposition that we must look in some degree to the responsibility of the Minister who makes these appointments. It is vain to appoint old men and distinguished men, who have served their time in this House, to posts of such a character as that of colonial governor. My right hon. Friend near me reminds me of another case, almost precisely similar, the appointment of Lord Harris. Is there a name more honoured than the name of Lord Harris? It was my lot to make that appointment, and I remember the circumstances. A gentleman wrote to me on behalf of his son, and speaking of Lord Harris, admitted that he was an amiable Peer, but of infirm health, totally without experience, and unknown. It was true Lord Harris was an amiable man in indifferent health, for he had gone to the West Indies on account of his health, and totally inexperienced; but, from my knowledge of the man, I thought he was qualified to serve his country, and offered him the appointment. He accepted it, and a most efficient servant he made. These are really considerations with respect to the appointment of colonial governors, which I feel bound to lay before the House, as they not only affect the present but every Government, and I am free to say, with the appearances which were before the Duke of Newcastle and my right hon. Friend (Sir G. Grey), that until within the last twenty-four hours I did not repent having borne testimony to them that Mr. Lawley was a qualified man, and in many respects an eminently and admirably qualified man, for this appointment. I again thank the House for the kind manner in which the question has been dealt with, and I earnestly trust that, inasmuch as Mr. Lawley is chargeable only with grave imprudence, and as it does not involve the smallest stain of pecuniary corruption, the door of hope will not be barred against him, and that his future career will not be stopped. I am confident the kindness of this House, and the forbearance and tenderness with which it has approached this question, will be an encouragement to him to repair his error by the sedulous performance of his duty, and that at some future period he will re-establish his character not for honour, but for judgment, which must be the desire, I am sure, of every Member of this House.

MR. VERNON SMITH agreed in opinion with the hon. Member for Manchester (Mr. Bright) and the hon. Member for North Staffordshire (Mr. Adderley), that the question of the appointment of colonial governors was one of the most important to which that House could address itself. Totally independent of Mr. Lawley's character was the question whether he was a proper person to appoint at all. He agreed with the Chancellor of the Exchequer that he ought not to be disqualified upon the mere ground of age; but he considered that the fact of his being of so early an age made it a duty incumbent upon those who gave him the appointment to inform themselves thoroughly and especially with respect to steadiness of character. It was in that respect that the utmost investigation was essential, and he thought that it was in reference to this that great blame rested upon those who recommended Mr. Lawley, and not upon his right hon. Friend the present Secretary for the Colonies, although he had so honourably taken the responsibility upon himself. He agreed to some extent with his right hon. Friend the Chancellor of the Exchequer as to the difficulty of finding good colonial governors, and he thought that the measure of Lord Howick, by which the salaries of those officers had been cut down, was an impolitic and injudicious one, as the qualities required in a colonial governor were rare, and therefore they ought to be adequately paid for; but he also agreed with his hon. Friend the Member for North Staffordshire, that the field was not so limited as had been represented, and that the Colonies themselves contained men whom it might be most proper to appoint.

There could be no objection to the selection of men of known ability, to fill, in the first instance, the appointments of secretaries in the Colonies, and to be afterwards promoted as they might prove themselves deserving, and as opportunity might occur. The circumstances of this very Colony pointed out, in fact, the course which ought to have been pursued, for Sir Henry Young had filled the office of colonial secretary in British Guiana before he had been appointed a colonial governor. He had always understood that there was a rule in the Colonial Office that, instead of sending men long distances upon small stipends, there should be a regular rule of promotion, and that men who had distinguished themselves in the Colonies in subordinate positions should be promoted to superior positions. He thought that the salaries were too small, and that promotion should be substituted for salary; and he felt assured that if that course were adopted there would not be the same difficulty in finding proper governors hereafter. Parliamentary experience in this country might be valuable, but the right hon. Gentleman had deprived himself of this argument in the case of Mr. Lawley, for he had stated that his official duties as secretary of the Chancellor of the Exchequer had been so heavy as to prevent his attendance in Parliament, or gaining Parliamentary experience. He thought the moral to be learnt from all this was, that the appointment of a governor of a colony was a duty involving the most serious responsibility upon those who had to make it, and that Secretaries of State ought therefore to take great pains in investigating both the public and the private character of those who might be recommended to them to go out.

Motion *agreed to.*

House in Committee of Ways and Means.

SUPPLY—WAYS AND MEANS.

Mr. J. WILSON moved the following Resolutions:—

"1. That towards making good the Supply granted to Her Majesty, the sum of 500,000*l.*, a part of the sum in the Exchequer of the United Kingdom of Great Britain and Ireland, or remaining to be raised on the 5th day of July, 1854, to complete the Aids granted by Parliament for the service of the years 1852 and 1853, be applied to the service of the year 1854.

"2. That, towards making good the Supply granted to Her Majesty, the sum of 22,322,743*l* 9*s.* 11*d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

"3. That, towards making good the Supply granted to Her Majesty there be issued and applied to the service of the year 1854, the sum of 149,342*l.* 15*s.* 1*d.*, being the Surplus of Ways and Means granted for the service of preceding years."

Mr. HUME said, he had collected from the very able speech of the noble Lord the President of the Council, in proposing the Vote of Credit, that of the sum of 3,000,000*l.* intrusted to Her Majesty for the purposes of the war, it was possible that some portion might be applied as a subsidy, and he only rose for the purpose of expressing his opinion, grounded upon experience, that such a course would be imprudent, as it had in former instances proved disastrous. He should be prepared, if it were necessary, to show that subsidies had in every instance counteracted, rather than forwarded, the object for which they had been granted. He deprecated the idea of paying troops belonging to the Sultan, because he believed that if they paid them one month, they would have discontent, and perhaps still more unpleasant consequences, in the next. He trusted that Her Majesty's Government would consider this subject well. He believed that the war was necessary. The House had placed cheerfully at the disposal of the Government all the resources which were necessary for carrying it on with effect, but it had a right to look to them, in return, to apply those resources in the best possible manner, and not to waste a single shilling. He thought that anything like a subsidy would tend to this result, and he rose to enter his caveat against anything of that kind being done without the gravest consideration.

Mr. KINNAIRD had not understood the noble Lord to shadow forth anything like a subsidy, but he confessed that, looking at the expense of transport, and at the difficulties of climate with which our troops in the East had to contend, he thought it was an admirable suggestion that we should endeavour to embody the natives of some of the countries in which the war was being carried on, placing over them officers of our own. Far from appearing to him to be at all objectionable, he confessed he should be very much pleased that such an attempt, even on a small scale, should be made, and he trusted that the Government would not be seduced, by what had fallen from his hon. Friend, from, at all events, trying this plan.

Mr. HUME said, the returns which he

should move for to-morrow, when they were laid upon the table of the House, would prove that in case after case these subsidies had failed in their object; and he protested against any money being paid to any foreign troops while we had our own troops to rely on, since it was on these that the maintenance and vindication of the honour of this country must depend.

Lord DUDLEY STUART concurred with his hon. Friend the Member for Perth (Mr. Kinnaird). They were engaged in a most important war. Did they intend to prosecute it to any efficient purpose? If they did, they must be prepared to make some sacrifices; and he thought that the best, the cheapest, and the most expeditious course they could take would be to take into their pay some of the natives of the countries in which the war was carried on. They all knew that the native troops in India, when officered by British commanders, gave as good an account of the enemy as any men that could be brought into the field, and he believed that no men fought better than the Portuguese, when under British officers, during the last war. He was convinced that some energetic measures must be taken if the present war were to be brought to a satisfactory result. Were we to increase our Army, then, to an enormous extent? He did not think the hon. Member for Montrose would like that. We had already a very large army for this country to have sent abroad, but it was a very small army when compared with those of foreign Powers. If we wanted to increase its numbers, would it not be a good plan to employ the natives, who would make excellent soldiers, and other foreigners who would be at our disposal, and who might be got at an infinitely less cost than must be incurred by an equal augmentation of our own troops?

Resolutions *agreed to.*

PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES (No. 2) BILL—MAYNOOTH.

Order for Committee read.

House in Committee.

Clauses *agreed to.*

Upon Schedule B (schedule of salaries and payments to be provided for by annual Votes or otherwise, as prescribed in Clauses 1 and 7),

Mr. SPOONER rose to move the Amendment of which he had given notice; but said that it was not his intention to go into any details on the question of Maynooth, as it was a question he had argued fully before. His views were already well known, but he thought it his duty to take the sense of the Committee on the Amendment of which he had given notice. He would first beg to state that he objected altogether to the grant to Maynooth, and if he did not now go into the subject, it was not because he had in any way altered his opinions. He conscientiously objected to any grant for the education of the people of Ireland, or the education of any of Her Majesty's subjects in the Roman Catholic religion. He objected to it conscientiously, believing it to be a great national sin, and that it was the duty of all the Members in that House to put an end to it. He merely wished to show that his opinions were unchanged and unaltered, and he now objected to leaving the grant to Maynooth as a charge on the Consolidated Fund. The right hon. Gentleman the Chancellor of the Exchequer had said this was a question of form, but he differed very much from him. It was not a question of form, but a great constitutional one. The alterations in this measure in another place had been so great that the House of Commons could not agree with them, and they were obliged to bring the Bill in again. The question had thus been reopened, and that gave him an opportunity of protesting against the Maynooth grant being taken away from the control of Parliament. Formerly it had been every year subject to the control of Parliament, but in 1845 Sir Robert Peel thought fit to remove it from that control, and fix it on the Consolidated Fund. He had objected to that course at the time, and, consistently with his objection then, he now proposed an Amendment which, if it should be successful, would bring it under the control of Parliament again. The feeling against this grant was daily and hourly increasing, and the majority against it in that House had gone on year by year increasing. It was evident that the Government shrunk from placing it under the control of Parliament, while the country was decidedly against the continuance of the grant. He hoped the practical economists would support his Motion for bringing the practical control of the House to bear upon the expenditure of the country. He called upon the hon. Member for Montrose to support his proposition, as it was in accordance with the opinions he had always expressed with respect to the control that Parliament ought to exercise over that expenditure. If there had been any bargain or contract he would not interpose—if the Vote was in the nature of a pension or reward for services, he would be shy in bringing it under the annual revision of the House. That was not the case here; it was a free gift, granted with the view of conciliating the Roman Catholics, and of putting a stop to the angry discussions in that House. That object had, however, utterly failed; the discussions still continued. The Roman Catholics believed the grant to be their right—they took the money, but it did not conciliate them. They believed that they ought to be the Established Church of Ireland, and they took this money to carry out their own system of education. They did not thank the House for the Vote, and it had not induced them to alter a single opinion. Nothing in the world would satisfy them until they became the supreme Established Church in that country. If hon. Members viewed the question in any other light, they were only blinding and deceiving themselves. If the Government thought they were right in continuing this grant, let them prove their sincerity by bringing it before Parliament annually. The Government might resist the Motion this year or next year, but the Maynooth grant was doomed, its abolition was only a question of time. The hon. Gentleman concluded by moving that—

> "In case the House shall sanction the principle of removing any charge from the Consolidated Fund now placed upon it by Act of Parliament, to add to Schedule B—'the president, vice-president, and students of Maynooth College, and the expenses of the establishment, enacted by 8 & 9 *Vict.* c. 25.'"

THE CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had stated at the outset of his speech that he would not enter into this question, but he had been more liberal than he had proposed. [Mr. SPOONER: A quarter of an hour.] He had watched the clock more accurately than his hon. Friend, and he could assure him that his observations had extended—not to too great a length, for the observations of his hon. Friend were always pleasant to listen to—but they had extended to about the length of an ordinary sermon. He would repeat the promise of his hon. Friend to be very brief, and he would endeavour to be more successful in keeping it than his hon. Friend had been. He did not feel it at all necessary to enter into the merits of the question which had been raised as to whether the grant to Maynooth ought to remain on the Consolidated Fund or to be placed in the annual Votes. He had a very decided opinion upon that point; but he thought there were reasons applicable to the Motion of his hon. Friend which were sufficient to govern, and which ought to govern, the decision of that Committee. They ought to recollect their position in reference to this Bill. Nothing could be more important and proper than the legitimate and reasonable vindication of the position of the House of Commons in reference to financial measures in the face of the House of Lords. There could not be a more satisfactory vindication of the privileges of the House as regarded financial measures than the Bill now before it; and when the House of Lords altered any financial Bill, it was most important that the House of Commons, when they agreed in the spirit of those alterations, should send up the Bill again in the same form as they received it. Another reason against the Motion was this—it was a most important question whether the grant to Maynooth should be put into the Estimates or remain on the Consolidated Fund; it was also important that when they discussed that weighty question they should do it in a manner and under circumstances which would show a due respect for the people of Ireland. But what had his hon. Friend done? There were grants from the Consolidated Fund in which other religions were interested. There were grants in which the Church of England was interested, and grants in which the Church of Scotland was interested, and he put it to the House that this question of the Maynooth grant was at least entitled to a serious discussion as a substantive proposition; that it ought to be considered upon general grounds, in connection with the other grants to which he had alluded; or that, at all events, it ought to be considered deliberately, upon a measure distinctly submitted to the House for altering the position in which it was at present placed. It ought not to be dealt with by a by-blow in a financial measure, which had been carefully restricted to its character as a financial measure, and from which the Government in framing it had carefully excluded everything upon which a political question could be raised. He hoped that for these reasons the House would summarily reject the Motion of his hon. Friend; but he must add one word with reference to the opinions and intentions of the Government. He believed it was the opinion of the House that this Bill contained most important and valuable provisions; but he must say, on the part of the Government, that it would be entirely at variance with their convictions of their duty to promote the further progress of this Bill, or its passing into a law, if it were to carry with it, under circumstances so extraordinary, the Vote which his hon. Friend proposed. It was a measure of fiscal reform; they proposed it as a measure of fiscal reform; and as a measure of fiscal reform he hoped the House would pass it. It would be easy for his hon. Friend, if he thought fit, to raise the question of the Maynooth grant, and to take the opinion of the House upon it; but he trusted that this Bill would be allowed to stand upon the ground upon which it had been placed. With these observations, he would commit it to the decision of the House.

MR. DISRAELI: I confess, Sir, I do not agree with many of the sentiments which the right hon. Gentleman has expressed both with regard to this Bill, and with regard to the more important issue that has been somewhat unexpectedly raised by my hon. Friend the Member for Warwickshire. Summary legislation, at this period of the year, may be very desirable, but I am not of opinion that it will prove easy of attainment. I certainly did not intend to discuss the question which my hon. Friend has raised, for I did not know that it would come on to-day. I, however, had placed on the paper certain Amendments to the Bill which the right hon. Gentleman has now brought before us, and it is my fault certainly that I was not present to move them, but the transaction of business at this moment is carried on with such remarkable rapidity, that it is not always possible to vindicate those Resolutions which you wish the House to adopt. The right hon. Gentleman, in the first place, has laid down a principle the justice of which I must question—namely, that when a Bill has passed through the ordeal of the House of Lords similar to the present, all that the House of Commons has to do, is simply to reproduce the Bill which the House of Lords has virtually sanctioned, or vindicate its privileges by the introduction of a new Bill, but to exempt itself from the privilege of moving Amendments upon it. I very much doubt whether the right hon. Gentleman would be able in an argument to substantiate that position. I have placed certain Amendments upon the paper with respect to the Second Consolidated Fund Bill; and I beg the Committee, after what has been said by the right hon. Gentleman, to condescend to look to the nature of those Amendments. As my name has been mentioned in this House, and in another place, with regard to the object of the measure which the Chancellor of the Exchequer has introduced, I beg to state, to prevent any misconception, that this is not a Bill to carry into effect that which the late Government expressed their intention to do. What the late Government intended to do was a very simple, and, I think, a very admirable thing; it was to introduce a Bill which should ensure that the gross revenue of the country should be paid into the Exchequer. We should have proposed that the course of raising that revenue should have become a matter of estimate, and with regard to those charges which formerly, and I believe now, legally press upon the revenue, we should have proposed that some of them should have been placed on the Consolidated Fund, and that the rest should have been brought before the consideration of the House by way of estimate. We did not in any way propose that any charges upon the Consolidated Fund should be transferred to what is now popularly called Schedule B, and become the subject of an annual Vote. It was not at all from the opinion that the charges at present on the Consolidated Fund are not liable, or should not be subject to criticism, for had it been necessary that the charges at present existing on the Consolidated Fund should be subject to Parliamentary criticism, it was our opinion that the best course to have pursued would have been to ask for the institution of a Parliamentary Committee, in order that the whole question of the charges on the Consolidated Fund should have been examined. Now, the fault which I find with the Bill of the Government which has led to the Amendments I have put on the paper is—that, in the first place, it is not a Bill which brings the gross revenue really into the Exchequer. It certainly does provide that there should be an estimate for the cost of the collection, which should be subjected to Parliament, and it also provides that the amount of drawbacks and of bounties—that is, of repayments—should be deducted at the time of collection; but it still leaves a considerable amount of public money, under the name of charges, and so on, to the discretion of the Treasury, and it still leaves the Treasury the power of making considerable payments without the control of Parliament—without the revenue being on the Votes. I think that a great objection, but there is another great objection that I have to this Bill. The reason for taking the course to which I have adverted, and for proposing that Amendment in the preamble, is, that we should have an opportunity of examining the many things that are left out now, that we should state exactly what Parliament means, and what the Government ought to mean—namely, the declaration that it is expedient that the gross revenue of the departments of the Customs, the Inland Revenue, and the Post Office, should be paid into the Exchequer, with the exception of such sums as may be necessary to be retained in order to defray the charges of drawbacks, pensions, and superannuations heretofore charged and paid out of the said branches of the public revenue. Now, the House will observe that the Bill before us has no recital of the kind. If you look at the preamble of the Bill which is in your hands, you would not for a moment guess that that is the object and intention of the Government, for it merely refers to particular charges, divided in a particular manner, and the great object and scope of this financial reform appear to be altogether lost. I have, also, in another clause, or, rather, a proviso added to the clause, proposed that this amount of 4,000,000*l.*, which will now be voted in Parliament as an estimate for the cost of collecting the revenue, should be subject to the same restriction, as far as appropriation is concerned, as the rest of the revenue. I don't think that any hon. Gentleman can doubt the wisdom or the expediency of such a provision. What reason is there that the 4,000,000*l.* which we are now going, for the first time, to vote as the cost of the collection of the revenue—what reason is there that this 4,000,000*l.* should not be subject, as respects the issue, to the provisions of the Act of the 4 & 5 *Will.* IV., the Act which regulates the charges on the Exchequer, in the same manner as all other sums issued for the public service? I think the Government made a very great omission when they did not introduce a provision to that effect, and I cannot understand why there should be any question of the expediency or the importance of such a provision, or why we are to be estopped from now considering it by any idea that we are acting in a manner contrary to our usual course when a Bill has been thrown out of the House of Commons and a second Bill has been sent from the House of Lords in compliance with their suggestions. There is also on the paper a proposal, on my part, that there should be a clause which would place before Parliament the charges on the Consolidated Fund, and when the right hon. Gentleman first introduced this measure of financial reform, he said that Parliament ought to have a due acquaintance, and, I think he said, control with respect to the charges on the Consolidated Fund; but the right hon. Gentleman has made no preparations in this Bill for that purpose. What I propose is a simple matter, perfectly in unison with all other regulations in regard to the revenue—namely, that the quarterly warrants of the Treasury for certain payments out of the Consolidated Fund should be laid on the table of both Houses of Parliament in ten days after the issue of the last warrant; and, of course, if Parliament be not then sitting, taking the first opportunity of doing so. The three Amendments I propose are—first of all, to carry into effect the purpose, which I believe the House has at heart—namely, that the gross revenue shall really be paid into the Exchequer; secondly, that the 4,000,000*l.*, which we now vote by way of estimate should be subjected to the same restriction as the rest of the revenue of the country; and thirdly, that every three months the House should have, not the power of control, but the power of inspection, as regards the charges on the Consolidated Fund. Those are the three Amendments which I have made, and, in my opinion, it is most important that the House should adopt them, and by adopting them, so far as I can learn, being influenced, in my opinion, by the highest authorities, they will not at all interfere as regards the position of this Bill with the other House of Parliament. Now, I felt it my duty to make these observations on a subject of great interest before us, and, as my name has been mentioned with respect to this measure, both by the right hon. Gentleman on another occasion, and also in another place, I hope it is no great intrusion on my part to have made them. I must now touch on another topic—and, I think, a much more important topic—that has been introduced by my hon. Friend the Member for Warwickshire (Mr. Spooner). The Chancellor of the Exchequer says, he hopes the House will summarily dispose of this question. I don't say I wish the same; and, with great respect for the right hon. Gentleman, I don't think the tone that he has taken on the subject and the language in which he has expressed himself are at all fitted to the occasion or the subject, and I was surprised that the Chancellor of the Exchequer should have expressed himself in such a manner and adopted such a tone on one of the most important questions which can possibly interest Parliament. I do not know what hon. Gentlemen on either side of the House feel on the subject; but I am of opinion that none of us have been inattentive observers of what has taken place in the present Session of Parliament, and in the Session of Parliament which preceded this, if not on other occasions. Why, Sir, this Motion of the hon. Gentleman is a repeated Motion; it is made for the second time. I gave a silent vote on the previous occasion when it was introduced to our attention; but I will confess I am not prepared to give a silent vote, and to continue to give silent votes on questions of this nature. Why, Sir, we must have all seen that questions of this character have been repeatedly introduced to our notice in the present and the preceding Sessions of Parliament. One day we have had a discussion whether there should be an endowment for Roman Catholic education; then there has been a question raised as to the inspection of conventual establishments; again, there has been a question regarding the Roman Catholic oath—as to what it really means—what is its main purpose and import; that is hardly noticed before we have some other question respecting the establishment of Roman Catholic chaplains in gaols. All these questions are brought forward by what are called independent Members of Parliament; not Members associated in the same particular connection, but sitting on different sides of the House, and influenced generally by different political opinions. Is it possible to be blind to circumstances so strange as these? Is it a wise thing for a Minister of the Crown to get up and treat a question of this kind by saying, "This must be summarily disposed of? It is August—Parliament won't be sitting for six months; the country will have no means, therefore, of expressing its opinion, and we really cannot listen to these questions, which in a thousand forms have already worried and perplexed us." I, Sir, come to quite a different conclusion from that of the right hon. Gentleman. I think these are perplexing questions; they are very serious questions, and I do not think it is at all desirable that we should evade this discussion or endeavour to evade coming to some conclusion on them; I think it a most unfortunate thing that in the first instance, when the hon. Member for Warwickshire made his Motion, from causes which I need not now dwell upon, but which are numerous, the House and the country were baulked of any decision on that question. Now, Sir, what are these various Motions, all of an analogous character? What are they symbolical of? What are the consequences to which they will lead? Surely they are questions not unworthy of the closest attention of statesmen. I think they are significant of this, that the people of this country are dissatisfied with the political *status*, if I may use such an expression, which our Roman Catholic fellow-subjects occupy with respect to the Protestant constitution of this country. In whatever form the question presents itself I find that at the bottom; and what, I ask, will be the probable consequence of this uneasiness expressing itself in all these various modes of inquiries as to the expediency of the endowment of Roman Catholic colleges, of the inspection of Roman Catholic convents, of the interpretation of Roman Catholic oaths, or of the establishment of Roman Catholic chaplains? What must be the necessary consequence of such questions being left in perpetual controversy without any one coming forward with authority to lead or to inform public opinion on the subject? What must be the consequence? It denotes, in my mind, internal dissensions, perhaps violence and disorder, and as I sincerely believe, great injury to the principles of civil and religious liberty. Well, Sir, I confess, as this question is brought before us in a summary way, and, as we are told, in a manner which does not at all take away from its importance, I think we are bound, particularly as it has been so often repeated, finally to meet it. I don't want at all to dwell on my individual feelings on this subject. I am rather placing the question on broader considerations, and I will not say in vindication, but in explanation of my vote with respect to the Motion of the hon. Gentleman which I gave some weeks ago, and which I shall give to-night, that it is the same I gave originally on the Motion of Sir R. Peel, with regard to the endowment of Maynooth. I shall not go into the reasons which influenced me then, and which influence me now, on the subject, not wishing to introduce individual feelings into the question; but what I want to press on the House is, that it cannot be permitted—it cannot be tolerated with any regard to the public safety—that Session after Session, an important question with respect to the relations, I may say, which exist between our Roman Catholic fellow-subjects and the Protestant constitution of this country should be left in doubt, matter of public controversy, so that every Member of Parliament, whatever may be his general political opinions, may rise and excite the public mind, interrupting by such discussions the whole course of public business. I think this question has come to such a pass that it is the duty of the Government to come forward to meet and solve this difficulty, and so to determine this controversy which breaks out in so many forms and from so many sides. Have we or have we not a Protestant constitution? If we have a Protestant constitution, what does it mean? Let Government come forward—let it declare by legislation what are the functions, what the attributes, what the influence, and what is the bearing of that Protestant constitution. Let every man, whether he be a Protestant or a Roman Catholic, clearly understand what are the rights and privileges which he enjoys under that constitution—what he may do and what he may not do. I think that this is a question which ought to be solved, that these are matters which do demand the consideration of statesmen, which ought to be met without reserve, and settled in a manner which shall satisfy the public mind—I say, without the slightest reserve, for I know no public man of the times in which we live, who I think is placed, and has been placed, in a more happy position to attempt the solution of this question than the noble Lord the Lord President of the Council. The noble Lord has associated his name through a long career with his successful labours in favour of religious liberty; he is, therefore, entitled, and justly entitled to, and I believe he possesses the confidence of a large body of his countrymen, who look up to him with respect and reverence. The noble Lord is an eminent Member of a party which half a century ago offered him power in order to secure the political privileges of their Roman Catholic fellow-countrymen, and that is a claim to the confidence of the Roman Catholics of this country which may be forgotten in moments of passion, but which, on the whole, I think, must last in the grateful feelings of a nation. Well then, if the noble Lord, both as regards the question of religious liberty and as regards the question of the political franchise of the Roman Catholics, can come forward on a matter of this imperial importance, with circumstances of great advantage, when he addresses the public mind and attempts to lead it to a result which he desires, it cannot be forgotten that the noble Lord is the individual who, when he was Prime Minister of this country, felt it to be his duty, in the name of his Sovereign, in the Parliament of England, to denounce the Ultramontane conspiracy against the liberties of Europe. The noble Lord has never for a moment shrunk, and I am sure never will shrink, from that most solemn expression of his, which, during the existence of the present Government, in conjunction with a similar expression of his opinion, led to such a misconception and misunderstanding, that some of the subordinate Members of the Government even resigned their posts, were only induced to return to their position by an assurance from the First Minister of the Crown that the Protestant opinions of the noble Lord were not shared by his colleagues. I only refer to that to show that the noble Lord has on this subject been influenced by strong predilections, and I think it is due from the noble Lord to come forward—not now—not in a summary manner, as the Chancellor of the Exchequer says, but after due reflection and study of this question—after examining it in all its bearings and during the recess—I think it is the duty of the noble Lord, and the duty of the existing Government, that they should come forward and lay down some principle of regulation which shall precisely define the rights and privileges of Her Majesty's subjects, whether they are Protestants or whether they are members of the Roman Catholic Church, and that it should not become a subject of controversy every night almost of the Session whether the Roman Catholics should enjoy the privilege of conventual establishments, whether colleges should be endowed by the State in order to educate the priesthood who are not the priesthood of the State, whether there is any meaning in the oath that is taken by Roman Catholic Members, or whether all these regulations with respect to our prisons or other establishments involve or do not involve a breach of the Protestant constitution of the country? Sir, I hold that—and I know not whether I agree with the opinions on this side of the House or that—in saying you are prepared to maintain the Protestant constitution of this country, you are advocating the rights and privileges of the Roman Catholic subjects of Her Majesty as well as her Protestant subjects. I look upon the Protestant constitution to be the guarantee of the civil and religious liberty of the people of this country, and because I am of this opinion, I feel that if the Government neglect their duty, and if these fragmentary parts of the question are, under its various shapes and aspects, brought under public discussion and Parliamentary debate, the result will be a heavy blow and great discouragement to civil and religious liberty. It is because I see the danger ahead, and because we cannot avoid it, that I call upon the Government, not in haste, or prematurely—not in a "summary manner"—not to tell us in August what they will do, but I call upon the noble Lord, in whom I have great confidence, upon this question to come forward and say, on the part of the Administration, that he will at the earliest period, notwithstanding the smiles and whispers of the Chancellor of the Exchequer, come forward on the part of the Government and propose a measure that will be satisfactory to the public mind, and attempt to solve these difficulties, and not leave any gentleman to agitate the public mind on questions of this importance, but that he will be prepared on the part of the Government to bring forward such measures as will vindicate the Protestant constitution, and prove that the enduring existence of that constitution is not only consistent with civil and religious liberty, but is the only security also, and the guarantee, that we have for these unspeakable blessings.

Lord JOHN RUSSELL: I confess I was certainly somewhat alarmed until the right hon. Gentleman arrived towards the end of his speech, because, until the right hon. Gentleman said that this was not a question to be considered in the month of August, I thought he proposed that in the month of August the Government should introduce a Bill to define the whole bearings of the Protestant constitution, how far Roman Catholic endowments were compatible with, and how far the payment of Roman Catholic chaplains might be reconciled with that constitution, how far, in all respects, the limits of this Protestant constitution might be extended, and how far it might be reconciled with the general principles of civil and religious liberty. That was the task which I thought the right hon. Gentleman was about to enforce upon the Government at the beginning of August. But I rejoiced to find that the right hon. Gentleman gives us some months of respite before that task is to be performed. I cannot promise the right hon. Gentleman, nor can I hold out a prospect, that so gigantic a task will be undertaken by the Government. At all events, the hon. Gentleman (Mr. Spooner), who brought forward this discussion, proposed a different course, because his proposal was that the Vote to Maynooth should be an annual Vote, in order that he may have the opportunity of making a speech annually upon Maynooth, and that after ten years of agitation the question may be brought to a conclusion. But if he were triumphant in this proposal, and if he were the slayer of Maynooth, we should still have those other questions of the Roman Catholic chaplains and the Protestant constitution unsettled. I must remind the right hon. Gentleman that I have not had great encouragement this Session to undertake questions of this kind, because, with regard to one of them, I proposed that we should have civil equality among Members of this House, and that when hon. Members came to the table we should not inquire into their religious opinions and persuasions, and that we should all take one civil oath. I found a very strong opponent in the right hon. Gentleman, and it discouraged me so much that I am not disposed to bring in a code beginning with the rights of man, and ending with the privileges and limits of each religious persuasion, defining the bearing of the constitution on each of the different sects. I own that the discouragement that I have received from the right hon. Gentleman will prevent me from bringing in any such measure.

Mr. NEWDEGATE said, that Parliament had placed the property of the University of Oxford in a Commission, and it would in that form come under the consideration of Parliament, and what was claimed with regard to Maynooth was, that, as in the case of Oxford, Parliament had based its proceedings on the Report of a Commission, and as a Commission had been issued to inquire into Maynooth, the House of Commons should, preparatory to the Report of that Commission, place the Vote to Maynooth upon the footing of an annual payment within the command of Parliament, so that the whole subject might be fairly considered when the Report of the Commission was in the hands of hon. Members next Session. It was quite certain that the public would have an investigation into the education given at Maynooth and its tendency, and they would consider the opposition to the present Motion as an attempt to evade that which could not long be successfully evaded.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 43; Noes 108: Majority 65.

MR. DISRAELI said, that his proviso to be added to Clause 1 would now stand as a separate clause. It was as follows—

> "That all Sums voted for the charges and payments set forth in Schedule B shall be subject, as respects their issues, to the provisions of the Act of 4 & 5 *Will.* IV. c. 15, intituled 'An Act to regulate the Office of the Receipt of the Exchequer at Westminster,' in the same manner as all other Sums voted for any specified branch of the Public Service."

The object of the clause was, that all sums brought into the Exchequer under this new Act should be subject to the same restrictions as regarded appropriation as the rest of the revenue, and he therefore could not understand that there could be any objection to the clause.

THE CHANCELLOR OF THE EXCHEQUER said, it was quite impossible that he could accede to any part of any one of the proposals of the right hon. Gentleman, and he was only surprised that he should have made them. He did not know whether the person who had drawn the present clause for the right hon. Gentleman had accurately fulfilled the intentions he was supposed to entertain, but the clause was entirely and absolutely useless. It would produce no legislative effect, except an effect which was already secured by the present law, because the present law provided, in terms most explicit, that all sums of money voted by that House must uniformly go through the forms of the Exchequer issue and payment. The object with which the clause was drawn seemed to him one of which the right hon. Gentleman was probably not aware. It was to create a new Parliamentary title for the present Exchequer system, the utility of which was, to his mind, somewhat less than doubtful. He had not yet been enabled to discover any useful purpose that the Amendment would serve, but it would be very easy to show much mischief that it would do. The effect of the clause would be a new recognition by Parliament of the propriety of adopting provisions with regard to money which now passed through the Exchequer, and he hoped the House would not be induced to frame a system in respect of which it was more than doubtful whether it would be beneficial for the public service or not. He protested against any new recognition of the principles upon which repayment of money into the Exchequer now rested.

MR. DISRAELI said, the right hon. Gentleman never gave him credit either for drawing clauses or anything else; but he gave the right hon. Gentleman credit for being too clever by half. The clause of the 4 & 5 *Will.* IV. had been submitted to men of good reputation as lawyers, who had very grave doubts whether its provisions would apply to the 4,000,000*l.* which had been referred to. He had, therefore, proposed a new clause, in order to bring this 4,000,000*l.* under the same restrictions as the rest of the revenue. He granted that it might not be necessary, but every one would agree that it was a surplusage in the right direction. In his opinion, in order to have the same restrictions upon the appropriation of the 4,000,000*l.* which were placed upon the rest of the revenue, it was necessary that they should have the clause he proposed.

MR. HUME opposed the Amendment, and thought the regulations ought to remain as they were at present until the whole subject could be considered and decided upon. He thought the time had arrived for dealing with the question of bringing the whole gross revenue under the eye of Parliament.

MR. DISRAELI saw no reason why, because it was desirable to have a full and ample inquiry, that he should be supposed to agree in crude measures. It was for the Committee to decide whether this sum of 4,000,000*l.* of new Estimates, now brought for the first time under the control of Parliament, should be subjected to the same restrictions as the rest of the revenue with regard to its issue and appropriation. If the financial reformers were not disposed to support him in this he should not press his proposal to a division.

THE CHANCELLOR OF THE EXCHEQUER reminded the House that the existing law contained words to the effect that any new sums of money granted hereafter should pass through the same channel as the rest of the revenue.

Mr. BOWYER thought it satisfactory that the right hon. Member for Buckinghamshire had called the attention of the House to the importance of the gross revenue of the country passing through the Exchequer. It was said that there was 5,000,000*l.* or 6,000,000*l.* of money which never found its way into the Exchequer at all, but which was disposed of by different departments without being ever voted by Parliament. He thought the system of auditing the public accounts required reconsideration, with a view to the reconstruction of that branch of the public service.

Clause *negatived.*

Mr. VINCENT SCULLY proposed the addition of a clause, to the effect that nothing in the Act contained should have the effect of facilitating any changes in the existing establishments of any of the superior courts of law in Ireland, without a certificate from the Judges to the Treasury having first set forth the circumstances rendering such changes necessary. If the clause was not carried, he should give notice of Amendments to place the English courts on the same footing as the Irish courts. He should also move to put in the English Court of Chancery, which was entirely omitted in the Act, but he trusted his clause would be so received as to render his Amendments unnecessary.

The CHANCELLOR of the EXCHEQUER would not complain that the hon. Gentleman had brought forward this clause without notice, because he felt it was desirable that all Amendments should be brought forward now rather than on the third reading. It was, however, impossible for him to agree with this clause. The purpose of the clause referred to by the hon. Gentleman was to impose restrictions upon an increase of salaries. The purpose of the clause, as proposed by the hon. Gentleman, was to fetter the discretion of Parliament, whether in the increase or in the diminution of salaries. The only argument used by the hon. Gentleman which was of any weight was, that the Bill, as it at present stood, dealt unequally with the English and the Irish courts. The fact, however, was, that owing to the difference of circumstances, it was necessary to create a nominal inequality in order to do substantial justice. In Ireland they had proceeded further in the abolition of fees than they had done in England; and, therefore, the clause was accommodated to that altered state of things. When the fees in the English courts were dealt with in the same manner as the fees in the Irish courts, they would be put upon the same footing also with regard to this Bill.

Mr. VINCENT SCULLY said, that he did not mean to increase, but to diminish, the charges, and his clause would have no other effect.

Clause *negatived.*

Mr. DISRAELI proposed the clause of which he had given notice—

> "Copies of each of the Quarterly Warrants of the Treasury, issued under the Act 57 *Geo.* III. c. 84, and the 4 & 5 *Will.* IV. c. 15, to the Controller General of the Receipt and Issue of Her Majesty's Exchequer, shall be laid before both Houses of Parliament within ten days after such Warrants shall be issued, if Parliament shall then be sitting, otherwise within ten days after the commencement of the next Session, together with a Copy or statement of the disbursements actually made in virtue of the Treasury Warrant during the antecedent quarter."

When the Chancellor of the Exchequer introduced this measure he impressed the importance of a periodical inspection or supervision, on the part of the House of Commons, with regard to the charges on the Consolidated Fund. That was a feature of this measure of financial reform. Now, the Committee would observe that in the Bill before them there was no provision at all to effect this object. The object of the clause he proposed was, that quarterly warrants of the Treasury should be laid upon the table of the House, so that they might know every three months what were the charges on the Consolidated Fund. This was the only mode he could see by which they could attain the object in view, and he was sure the House of Commons must wish to exercise the power and the supervision to which he had alluded.

The CHANCELLOR of the EXCHEQUER said, it was a very invidious task to oppose proposals of this kind, but he must say he entirely objected to this proposal. Before he proceeded further, however, he wished to ask the right hon. Gentleman under what section or sections of the Acts of the 57 *Geo.* III. and the 4 & 5 *Will.* IV. he referred when he spoke of these quarterly warrants as being issued under these Acts?

Mr. DISRAELI said, he had not those Acts then by him.

THE CHANCELLOR OF THE EXCHEQUER: Here they are, at the service of the right hon. Gentleman. I took care to have them at hand for him; for I am rather curious to learn under what sections the right hon. Gentleman finds the authority for the issue of those warrants.

MR. G. A. HAMILTON asked, whether it was not the fact that these warrants were issued under the authority of those Acts of Parliament?

THE CHANCELLOR OF THE EXCHEQUER declined to be the interpreter of the law as stated by others, but wished to know the authority for the statement of the right hon. Gentleman that these quarterly warrants were issued under the Acts in question?

MR. DISRAELI referred to the 12th section of the 4 & 5 *Will.* IV.

THE CHANCELLOR OF THE EXCHEQUER would assure the right hon. Gentleman that he was entirely misinformed as to the application of the Act. The section quoted by the right hon. Gentleman referred to ordinary Treasury warrants, which in every case were required before an issue of money could take place. But these quarterly Treasury warrants which the right hon. Gentleman said were issued under the Act 4 & 5 *Will.* IV. were warrants of an entirely different description, and did not, in point of fact, cause the issue of any money whatever. He therefore again asked the right hon. Gentleman under what portion of the Act referred to so authoritatively by him it was that he considered these quarterly warrants of the Treasury were either authorised or required? As at present informed, he demurred altogether to the recital of the right hon. Gentleman that these quarterly Treasury warrants were issued under the authority of these Acts. His opinion was, that these warrants were not required by the law. They were certainly issued in principle; and he would go further, and admit that the form of the warrants and the words of the warrants might certainly be construed in favour of the position that they were issued under the authority of the law; but he knew of no ground for stating that they were either required or authorised by the law. What he said was this—that these were documents of a description the most complex, the most antiquated, the most absurd, the most calculated to maintain deception and mystification in matters of public accounts that this House could possibly conceive; and he did not hesitate to state—whether it were the object of this clause or not to do so he did not know, but its effect would be to give a legal sanction and authority to these Treasury warrants, which, in his judgment, at the present moment, they did not possess.

MR. DISRAELI would withdraw his clause, as it was wrong in point of form; but this he clearly saw, from every observation which fell from the Chancellor of the Exchequer, that the right hon. Gentleman was determined to put an end to the restriction which at present existed as to the issue of public money from the Exchequer, which restriction he believed to be of the greatest importance, and which he applied to these 4,000,000*l.* of new revenue which was to be brought under the control of the Exchequer. Of course, it was useless to attempt to come to any decision now upon any particular point, but he begged the Committee to bear this in mind—that the principles of the right hon. Gentleman would render it impossible for him to go on for another year without bringing forward some Bill, the object of which would be to diminish the restriction upon the issue of public money which at present existed.

Clause *negatived.*

MR. DISRAELI had now to allude to another point of great importance. They were all agreed that the object of the great change which, he might observe, he had had the honour of first bringing forward, was, that the gross revenue of the country should be brought into the Exchequer. The fault he found with this Bill was, that it evaded this great object. It certainly brought into the annual statement of public accounts a large amount which hitherto had not found its way there, but it still left a great portion of the public revenue under the name of charges, pensions, and superannuations, at the disposition of the Treasury, free from the control and cognisance of Parliament, and which amount of public money was still under the immediate control of the Treasury alone. Now, he proposed that the preamble of this Bill should express the meaning of Parliament upon this subject, and therefore he had placed upon the paper a preamble which should state that—

> "It is expedient that the gross revenue of the Departments of Customs, Inland Revenue, and Post Office should be paid into the Exchequer, with the exception of such sums as may be necessary to be retained in order to defray the charges

> of drawbacks, repayments, pensions, and superannuations heretofore charged upon and paid out of the said branches of the public revenue."

Now, this was a simple and clear declaration. He proposed to have a public expression of the opinion of Parliament on the subject. He wanted, and he understood the House of Commons wanted, that the gross revenue of the Departments of Customs, Inland Revenue, and Post-office should be paid into the Exchequer. He had been informed since he entered the House that the preamble of the Bill was couched, if not in identical, in similar language to his own. He begged the Committee would observe the remarkable difference between the language in the preamble of the Bill of the Chancellor of the Exchequer and that he had proposed. The preamble of the Bill said—

> "And whereas it is expedient, in order to bring the gross income and expenditure of the United Kingdom and the Isle of Man under the more immediate view and control of Parliament."

Now, he said, that the object of the House of Commons was not that the gross income and expenditure of the United Kingdom should be brought "under the more immediate view and control of Parliament;" their object was that the gross national income should be brought into the Exchequer. Such words as "the more immediate view and control of Parliament," might bring a large amount of that revenue under their control, but it would leave a very large portion beyond their control. The words which the Committee ought to adopt were the simple and plain words, that they would bring the gross income of the country into Her Majesty's Exchequer. The words in the preamble of the Bill of the Chancellor of the Exchequer were so essentially evasive and equivocal that you might really draw almost any meaning you pleased from them, and he thought it would be much better to adopt the plain, straightforward language he had placed on the paper. He, therefore, begged to propose the alteration in the preamble of which he had given notice.

THE CHANCELLOR OF THE EXCHEQUER said, he felt bound to take the same course with this as with the right hon. Gentleman's previous Amendment. There were two important points, which, so far as a declaration of law was concerned, were raised by this Amendment. The preamble which the right hon. Gentleman proposed enunciated the principle that pensions and superannuations upon the revenue departments—that was to say, the great bulk of all the pensions and superannuations paid throughout the kingdom—something like five-sixths of the whole amount—should not be brought under the control of Parliament. Now, he demurred altogether to that object of the right hon. Gentleman, and he thought the right hon. Gentleman ought to have stated it, and to have made the House acquainted with the omissions which were included in his Amendment. In stating what he (the Chancellor of the Exchequer was not before aware of, that the right hon. Gentleman was the first to bring forward a change like that now proposed, the right hon. Gentleman should have declared that his object was to remove from the control of Parliament pensions and superannuations chargeable upom the revenue departments, and which amounted, he believed, to something like 500,000*l.* or 700,000*l.* a year. On this ground he objected to the preamble of the right hon. Gentleman. The Committee of the House of Lords had made in this Bill a most injudicious change, founded upon most insufficient grounds, for they reported that they had not sufficient information before them in order to enable them to determine whether it was proper that these pensions and superannuations should remain upon the gross revenue, or whether they should be voted in the Estimates; and, instead of sending to the Treasury for the information they required, they struck out of the Bill these clauses altogether. Now, he must say, that unless his anxiety had been so great to carry out what remained of this Bill, nothing would have induced him to acquiesce in such a change introduced into a money Bill, not by the House of Lords, but by a Committee of the House of Lords. This change certainly left the Bill incomplete. These pensions and superannuations would be left chargeable on the gross revenue. On another occasion it would be necessary to attempt to make clearer work upon this point, but the preamble of the right hon. Gentleman would tie the House, as a matter of principle, to that which the House of Lords had forced upon them as a matter of fact. But another point was involved in the preamble of the right hon. Gentleman. When this Act was introduced it was met by this objection on the part of those who wished to adhere to the present system. Those persons always said it would be most inconvenient to have all the money received at the various outports sent up to London, and then to send back again that part of it which was necessary for the maintenance of the establishments at those outports. Thus, at Liverpool, something like 70,000*l.* was required to pay the charges of the establishments there, and this amount, it was said, would be most irrational to send up to London from Liverpool and then back again. Now, nobody had ever said it was rational to do so. All they wanted was the control of Parliament over this money. That being settled, they left the money received at the outports to be dealt with in the most economical manner in which it could be dealt with. It might be paid where it was received, but it would have to be accounted for, and a balance struck between the local and the central fund. That was the principle on which his Bill was framed. Lord Monteagle, who had always been a steady opponent of this change, had stated before a Commission, which was appointed to investigate the subject, this very objection, and urged the absurdity and expense of sending more work forward in this way. It was to avoid this absurdity and expense that he had framed the Bill in the way he had done. The inconvenience of the plan objected to by the noble Lord would be very great, and nobody—he was going to say —was foolish enough to propose it; but as the right hon. Gentleman had now proposed that very plan, he must withdraw the word "foolish," though he hoped the House would not adopt the Amendment.

Motion *negatived.*

MR. BOWYER said, he had seen a report published by some persons who were anxious for a reform in the Customs in which credit was given to the Chancellor of the Exchequer proposing to transfer the whole gross revenue of the country to the Exchequer which formerly has not been so paid into the public Treasury. The Commissioners of Public Accounts, in 1831, laid it down as a principle that the whole of the public revenue ought to be paid into the Exchequer, and then paid out of the Exchequer for the public service. No doubt there might be particular instances where it might be convenient that small local payments should be made on the spot; but the general principle ought to be that the whole of the receipts should be paid into the Exchequer. It would be satisfactory to know whether it was intended that this should be the case.

THE CHANCELLOR OF THE EXCHEQUER thought he had already explained in distinct terms that the expense of collection was to be defrayed at the ports, leaving the balance to be settled as a matter of account, while the authority of Parliament was applied to the expenditure through the machinery of the Votes.

MR. HUME suggested that every accountant, and every other person who had any public money in his possession, should render his accounts regularly, in order that they might be settled. If this had been done, the country would not have lost so much by Mr. Swaby. He ought also to be called upon to give security, and that the securities ought to be revised from time to time. He submitted that it was the duty of the Government to have all public charges, whether fees, prize-money, or other payments, brought into the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, he was not surprised to hear his hon. Friend advert to this subject, and in reference to which he hoped the Committee would bear in mind that that case was one of the consequences of the mode of dealing with public money which had been fashionable in past years—that of disposing of it either by placing the charge upon the Consolidated Fund, or by some permanent Act of Parliament which effectually removed it from the control of the House of Commons. That was a lesson which he hoped would not be forgotten. It also illustrated another dangerous practice which the House ought to correct—that of entrusting the management of public money to persons who were appointed for other purposes. It was not fair to cause large sums of money to be held under the responsibility of the Judges of courts of law. Their duty was to administer the law—a duty difficult enough for any man; and they ought not in any way to be responsible for the control and management of public money. With regard to the immediate question, the case did not admit of being dealt with upon a general rule. In some instances the amounts were too large to be dealt with by way of security, and other modes must be adopted; but certainly he thought there ought to be some review of the securities under which public money was held.

House resumed.

Bill *reported* without Amendment.

MEDICAL GRADUATES (SCOTLAND AND IRELAND) BILL—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Amendment proposed to Question

[22nd July], "That the Bill be now read the third time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Viscount PALMERSTON said, he hoped the hon. and gallant Gentleman who had charge of this Bill (Colonel Dunne), considering the late period of the Session and the nature of the measure itself, would allow it to drop. Her Majesty's Government intended to take up the general question at the commencement of the next Session, when he thought either a Commission or a Committee ought to be appointed, consisting in either case of gentlemen not belonging to the medical profession; and on the result of their inquiries some general measure might be framed, satisfactory to the wants of the profession and the interests of the community at large. The House, therefore, would agree with him that it would be scarcely advisable to lose time in discussing a Bill which had no chance of passing this Session.

Colonel DUNNE said, he had, of course, at this period of the Session, no alternative but to comply with the request of the noble Lord. He was glad to hear that the Government meant to take up the subject, for he felt sure that if it were left to medical men it would be a long time before it was settled. His (Colonel Dunne's) object was to place the Irish and Scotch Universities on the same footing, with respect to medical degrees, as the University of London.

Question put, and *negatived;* Words *added;* Main Question, as amended, put and *agreed to.*

Bill *put off* for three months.

Mr. WALPOLE entreated the noble Lord the Home Secretary not to consider the passing of the Medical Graduates (University of London) Bill as a pledge on the part of Parliament, that in considering the question the University of London was to have the power of conferring degrees with the consequential licence that followed from those degrees. That question was left open.

Viscount PALMERSTON considered the object of the Bill referred to was simply to place the degrees of the University of London upon the same footing as those of Oxford and Cambridge. Parliament distinctly understood that the whole question was left open.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT BILL.

Bill, as amended, *considered.*

Mr. EVELYN DENISON moved the addition of the following clause—

> "That in all dealings between the Church Estate Committee acting in behalf of the Ecclesiastical Commissioners for England, as to lands now vested or which shall hereafter become vested in the said Ecclesiastical Commissioners and the holders of such lands, the said Church Estate Committee shall pay due regard to the just and reasonable claims of such holders of land under lease or otherwise arising from the long-continued practice of renewal, and in every case where a treaty has been entered into between the said Church Estate Committee and the said holders of land, it shall be lawful on the application of either of the said parties to such treaty to the other of them, to refer to arbitration the finding of the annual value and of the value of the fee simple thereof, subject to the exceptions and reservations, if any, to be excepted and reserved thereout, and such finding shall be adopted in computing the terms of the sale, purchase, or exchange of such lands, or of any interest therein, and the said last-mentioned parties shall for the purpose of such arbitration, be subject to the provisions hereinbefore contained as to the appointment of arbitrators and the payment of costs. That the provision in the hereinbefore recited Act as to information being required respecting the proceedings under it, shall extend and be held to apply to all proceedings respecting land vested, or which may become vested in the said Ecclesiastical Commissioners."

The object of this was, that all ecclesiastical property, whether held by bishops and chapters, or by the Commissioners, might be brought under the same management. It had been supposed by the House that a clause to this effect was in the former Act; but the Commissioners had held that it did not apply to the property which they held. A further object of the clause was to give the power of arbitration to the Commissioners in certain cases.

Clause *brought up,* and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Mr. GOULBURN opposed the clause, which he said was irrelevant to the object of the present Bill, and should have formed the subject of a separate enactment. The hon. Member who proposed the clause seemed to assume that it went no further than the one which had been proposed by the hon. Member for Shields (Mr. Ingham). That, however, was not so. For this clause made arbitration compulsory at the will of either party, and would apply not only to lands held by Church lessees, but also to those which the Ecclesiastical Commissioners held at rack rent. If it were agreed to, every one of their tenants might claim to have their lands valued and enfranchised. The question of arbitration, as proposed in this clause, was a compulsory dealing with property, which every person said should be voluntarily dealt with.

Mr. MULLINGS did not read it as a compulsory clause, but at all events the words could be altered to prevent such a construction being put upon them as had been suggested by the right hon. Gentleman. He hoped that the noble Lord the President of the Council would sanction the clause, and he would take care, before the third reading, words should be introduced to make the arbitration permissive.

Mr. INGHAM supported the clause, and did not consider that the objections urged by the right hon. Gentleman, the Member for the University of Cambridge, were well founded.

The SOLICITOR GENERAL said, that the clause was one to which he could not ask the House to assent. He did not know whether, if it were agreed to, it would act harmoniously with other Acts upon the same subject, but he objected to the practice of taking occasion, when a Bill was introduced upon one subject, to introduce a clause that had reference to quite a distinct subject. It was not fit that they should introduce in the Bill a rule with regard to the Ecclesiastical Commission more stringent than that which was applied to the Church Estate Commission. He would, therefore, ask the hon. Member for Malton to postpone his clause until the subject of the Ecclesiastical Commission came properly before the House.

Mr. J. A. SMITH supported the clause, and trusted his hon. Friend would press it to a division, as he would rather see the Bill lost than that the clause should be rejected.

Lord JOHN RUSSELL opposed the clause, on the ground that it gave too large a power to the lessees and was a departure from the intention of the Bill, which had worked beneficially hitherto, but which he considered it would be unwise to extend to the whole of the property under the management of the Church Estate Commission.

Mr. Goulburn

Question put, and *negatived.*

Amendment made; Bill to be read a third time *to-morrow.*

CUSTOMS ACTS.

Order for Committee read.

House in Committee.

Mr. J. WILSON moved the following Resolutions—

"That from and after the 1st day of August, the Duties of Customs chargeable on the Goods, Wares, and Merchandise, hereafter mentioned, imported into the United Kingdom, shall cease and determine, viz., Sulphate of Potash.

"That from and after the 1st day of August, in lieu of the Duties of Customs now chargeable on the articles under-mentioned, imported into the United Kingdom, the following duties of Customs shall be charged, viz.: Arms, Swords, Cutlasses, Matchetts, Bayonets, Gun Locks, Cannon, or Mortars of Iron, not mounted nor accompanied with carriages, 2*s.* 6*d.* the cwt., Cannon or Mortars of brass, not mounted nor accompanied with carriages, 10*s.* the cwt., Cannon or Mortars, mounted or accompanied with carriages and other fire arms, viz., Muskets, Rifles, Carbines, Fowling pieces, or Guns of any other sorts not enumerated, and Pistols, for every 100*l.* value thereof, 10*l.* Ammunition, &c. namely, Shot, large and small, of lead, 2*s.* the cwt.; of Iron, 2*s.* 6*d.* the cwt. Rockets, and other combustibles for purposes of war, and not otherwise enumerated or described, for every 100*l.* value thereof, 10*l.* Hops, until the 1st August, 1855, 1*l.* the cwt.; from and after that date, 2*l.* 5*s.* Iron and Steel, wrought or manufactured, except Arms and Ammunition, viz., Machinery, Wrought Castings, Tools, Cutlery, and other manufactures of iron or steel, not enumerated, 2*s.* 6*d.* the cwt.; Fancy ornamental articles of iron and steel, 15*s.* the cwt."

Mr. FREWEN asked upon what principle the proposed hop duty of 1*l.* per cent until the 1st of August, 1855, and 2*l.* 5*s.* per cent after that date had been framed?

The CHANCELLOR of the EXCHEQUER said, that there had been reason to anticipate a great scarcity and high price of hops. This would have an injurious effect upon those interested in the growth and sale of barley, as well as upon the consumption of malt, and the large revenue which depended upon that consumption. A scarcity being anticipated, Parliament had been invited to do that which in cases of scarcity it generally did, sometimes by immediate reference to the House, and sometimes by the discretion of the Government, with the subsequent approval of Parliament, to remit for a time a portion of the duty, in order to facilitate in times of exigency the supply of a necessary article to the consumer. He had seen three Gentlemen representing the county of Kent upon this subject, and at that period the proposition was, that the duty should be reduced until the 1st of November, 1855. They represented, however, that that would be going beyond the occasion, and he had yielded to their representations, and had altered the date to the 1st of August, 1855, so as, he thought, completely to remove their objections. He believed that those Gentlemen were satisfied with the alteration.

Mr. FREWEN said that, some years ago, the Customs duty upon hops had been 12*l.* 10*s.* per cent. It had then been reduced to 8*l.* 11*s.*, then to 4*l.* 10*s.*, and it now stood at 2*l.* 5*s.* The Excise duty, during the same periods, had remained the same, and he believed that it was the only tax which had been never either mitigated or repealed since 1805. In 1834 the appearance of the hops was much worse than at present; and, although it was expected that not more than 3 cwt. or 4 cwt. an acre would be produced in Sussex, some of the plantations there had produced more than a ton an acre. There was always much speculation as to what the duty on hops would be, and at that period the old duty had been put down at less than 60,000*l.*, whereas it produced nearly 190,000*l.*, and the old and new duty together produced 329,941*l.* He disapproved of the lowering of the Customs' duty, unless the Government agreed to a corresponding lowering of the Excise duty to four-ninths of its present amount. A reduction of the duty on foreign hops would be unjust towards the English planter, unless accompanied by such a reduction. From information he had received from the hop plantations in all parts of the kingdom, and from the great improvement which had taken place during the last ten days, he believed that the crop would turn out very different from what had been expected a fortnight ago. He had not brought forward his usual Motion for a repeal of the excise duty on hops this year, in consequence of the war, but his opinion with respect to it remained unchanged. The hon. Gentleman concluded by moving that hops be omitted from the Resolution.

Mr. DEEDES denied that he had expressed himself satisfied with the explanation which the Chancellor of the Exchequer had given him, as he had pressed upon the right hon. Gentleman the necessity of also lowering the excise duty if he reduced the import duty on foreign hops. The right hon. Gentleman had said that he had no intention of making a permanent alteration in the duty this year, and he supposed he would not have departed from that determination had he not been justified by some extraordinary circumstances. It was not possible for the Chancellor of the Exchequer, or any other person at the present moment, to form a judgment upon the probable crop of hops until a very advanced period of the year. In 1849 the duty paid was only 75,000*l.*, but no interference was then thought necessary. He had this morning received a letter from a person in Kent well acquainted with hop plantations, who said that a very great improvement had taken place in them within the last few days, and that, in his opinion, a duty of from 80,000*l.* to 100,000*l.* would be paid if this weather continued. He, therefore, contended that the right hon. Gentleman was justified in calling for the alteration he now proposed. Supposing it were necessary that something should be done, were the grounds of the right hon. Gentleman fair and just towards all parties? Why was the relief to be given entirely at the cost of the home grower, and the advantage, if any, that attended the measure, be put into the hands of the foreign grower? The consumer would get nothing by the proposed change. The foreign grower would be the only gainer. If, however, the state of the crops justified the change, the right hon. Gentleman might carry it into effect by means of an Order in Council.

Mr. MASTERS SMITH contended that all the advantage of the proposed reduction of duty would benefit the holders in bond, and that neither the revenue nor the country would derive any benefit from it. The lowering of the duty had caused great dismay throughout the hop districts, and would, if sanctioned, have the effect of throwing the hop grounds of the country out of cultivation. He thought the right hon. Gentleman ought not, without great deliberation, to come to any decisive determination on this subject. When the Excise and Customs duties were combined he considered it was a wise arrangement; and that was the opinion of those hop-growers whom he represented. As to the Customs duty, it had from time to time been lessened to a great extent, whilst nothing was taken from the Excise duty. They were now about to inflict a blow on an interest in a state of panic. They were, in fact, about to take a crutch from a falling man. It took two years to prepare a hop ground, and the hop-growers were now in great doubt, owing to the measures of the Government, as to what course they ought to pursue. [The hon. Gentleman read several letters, detailing great improvements that had taken place this year in the growth of hops all over the country.] He would leave the matter in the hands of the Government, but hoped the measure would be modified.

Sir JOHN SHELLEY felt satisfaction at seeing that the county of Kent thought the hop duty was a bad one, as evidenced by the speech of the hon. Gentleman who had just sat down; for that was what it proved, if it proved anything. He would support the proposal of the Government, because, at length, he saw some prospect of the duty being done away with altogether. The hop duty had no beneficial effect whatever in any district except the county of Kent. He was a hop-grower in the county of Sussex, and he felt sure that the Sussex hop-growers generally would feel grateful to the Government for the reduction.

Sir JOHN PAKINGTON said, this was not a Kentish question alone. He was connected with the county of Worcester, and there the feelings of the hop-growers coincided with those in Kent, and felt it was most injurious to them to have these tamperings and sudden changes made at the end of a Session, by which the whole trade was affected. There was a strong suspicion current that although the consumer would not benefit by this change, there were a large number of persons who were holders of foreign hops, and who would benefit largely by the alteration; amongst whom he supposed, was the hon. Member for Derby (Mr. Bass), having observed him to be in close communication with the Chancellor of the Exchequer and the Secretary to the Treasury, but hoped those Members of the Government would not be carried away by the blandishments of the hon. Member for Derby. He thought there was no adequate ground for the reduction, and he hoped either that he would reconsider the question, or if a reduction in the foreign duty was necessary, that he would answer that other proposition they had to make to him, namely, a similar modification of the Excise as of the Customs.

Mr. J. WILSON said, that the measure had been introduced at the instance of the officers of the Inland Revenue. The right hon. Gentleman said the reason for the measure had been removed by the improvement which had taken place in the probable yield of the crop. In 1852 the duty was 244,000*l.*, and the price was 4*l.* 5*s.* per cwt. In 1853 the duty fell to 150,000*l.*, and the price rose to 11*l.* 11*s.* What then would be the effect if it fell again to 80,000*l.*, or 100,000*l.*, which was the most flattering estimate that had been made. It was quite a mistake to suppose that the hop-growers were losers by bad crops. On the contrary they were large gainers by a deficient yield in consequence of the enormous increase of price. The reduction of the duty, however, 1*l.* 5*s.* would just render it possible to introduce the fine Bavarian qualities. The effect of the proposal would only be to place hops for a single year on exactly the same footing as every other article of home production, and surely such a modest proposal ought to receive the support of the House.

Mr. NEWDEGATE said, that if the Chancellor of the Exchequer would not take the responsibility of reducing this duty as the crop progressed, it was asking a great deal of the House to expect them to relieve him from the responsibility. He would be no party to a reduction of the Customs duty upon hops unless there was, at the same time, a reduction on the Excise duty.

Sir EDWARD DERING admitted that there was not that scarcity of the crop that was anticipated. He regretted that the Chancellor of the Exchequer had not listened to the suggestion of his hon. Colleague (Mr. Deedes) to carry out the change by an Order in Council. The House at present were not in a position to legislate. If the crop should turn out as had been anticipated, and the right hon. Gentleman advised an Order in Council, he would have the support of all the hop-growers.

Mr. BASS thought it would be unsafe for the Chancellor of the Exchequer to wait, because the duty was not declared until the end of November, and as foreign hops came earlier than this, the opportunity would be lost of purchasing these hops. Seeing that hops were only grown upon 50,000 acres, while barley was grown upon 2,000,000 acres, he did not think that hon. Gentlemen opposite ought to oppose the proposal of the Government to increase the quantity of hops available for the consumer.

Mr. CAYLEY was a representative of

barley growers, and wished to see hops cheap. He was willing to vote for the reduction of duty on foreign hops, if the Government would only reduce the Excise duty.

Mr. FREWEN asked the hon. Member for Derby if he had not betted that the duty would this year exceed 150,000*l.*, and if he had not made that bet within the last few days? [Mr. Bass: Certainly not.] He believed the hon. Member for Derby had betted upon this duty on former occasions, for the hon. Member had told him so himself.

Question put, that—

Hops, until the 1st of August, 1855, the cwt. - - - - - £1 0 0
From and after that date, the cwt. - 2 5 0

stand part of the proposed Resolution."

The Committee *divided*:—Ayes 61; Noes 21: Majority 40.

The remaining Resolutions were then *agreed to*, and the House resumed.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, August 4, 1854.

Minutes.] Public Bills.—1^{a} Militia (Scotland); Militia Pay; Bills of Exchange and Promissory Notes; Militia Ballots Suspension; Public Revenue and Consolidated Fund Charges (No. 2).
2^{a} Duchy of Cornwall Office.
Reported—Bribery, &c.; Stamp Duties.
3^{a} Medical Graduates (University of London).

TRANSPORTATION—TICKETS OF LEAVE.

Lord ST. LEONARDS rose to call the attention of the House to the present system of granting tickets of leave to convicts. The question, "What are we to do with our convicts?" was one of the most important social questions of the day. Previous to the introduction of the system by which transportation was in effect abolished, the practice, as their Lordships were well aware, was, after keeping a convict in prison in this country for a certain time, to send him to one of our colonies under sentence of transportation, but with a ticket of leave, which assured them of the means of earning a subsistence. The advantages of this system were numerous. In the first place, the convict was cut off from his old associations, and could not therefore in the new country to which he was transported come into contact with his former comrades or be led into the commission of crime by their companionship and example. In the next place, he found himself, on his arrival in the colony, under the control and supervision of the Government of the colony to which he was consigned. He was certain of being provided for, because, if no other employment offered itself, he was employed on the public works at good wages and liberal rations. He had at the same time perfect liberty to engage in private service whenever he found an opportunity; and such an opportunity was sure to offer itself almost immediately, because the demand for labour was always much greater than the supply in the colonies to which he was sent. He was employed at a fair rate of wages, excellent rations were insured, and he had a good prospect of bettering his condition. At the same time there was no objection to the granting of those tickets of leave, inasmuch as there were numbers of persons in the colony desirous of the services of convicts, and who took them with the full knowledge of their being ticket-of-leave men. He had thus every prospect of bettering his condition; and it was not unfrequent for men who went out in this capacity to become tradesmen, or in some instances to accumulate large property. Under this system there was, therefore, no impediment to the granting of tickets of leave. They had not the effect of turning a man loose into society without any means of living, or without the Government having any check upon him. On the contrary, he was sent to a new part of the world, where he was sure at once to meet with full encouragement for his labour and with full employment. Circumstances had, however, arisen, which had rendered it necessary to abolish convict transportation, and to substitute penal servitude for it. No one could find fault with the Government of the day for this change in the mode of punishment, because as the colonists had refused any longer to receive our convicts, it was clearly impossible to send them there. It was, indeed, a little singular that while the colonists as a body refused to receive our convicts, there was always an ample demand on the part of individuals for the labour of such of these men as were sent. When the late Government was in office, the subject of the change to be made in the mode of punishment necessarily occupied much of their attention, and it was their determination still to retain transportation as far as possible. They did not, indeed, intend to attempt to force convicts upon any colonies which objected to receive them; but they desired to keep some remote island as a penal settlement, and thus to maintain both the terror and, to a limited extent, the use of transportation. Under the system adopted by the present Government, convicts, after remaining in prison for a certain time, received a licence to reside in any part of the United Kingdom or the Channel Islands, under such conditions as the Crown might think fit to prescribe, the licence being subject to revocation at the pleasure of the Crown. Now, when their Lordships considered the great difference in the state of things under which tickets of leave were formerly granted and those under which they had been granted since the late Act was passed, he thought they would see how difficult it must be to bring the old system to bear upon the new state of things. After the Act was passed there was no penal colony where a convict could be sent to, and where he would be subjected to the inducements to lead an honest life which he (Lord St. Leonards) had already described; on the contrary, he was let loose, without any check or control, into a field where the demand for labour was much less, and where no human being would employ him if it was known that he had a ticket of leave. The Government had no means of employing him on Government works. Let them just consider in what a different position an unfortunate man turned loose in this country was from one who was sent to a colony under the old system? As he had already said, such was the unhappy condition of society here, and such was the unwillingness to give employment to a convict, that he must start with a falsehood. He must conceal his real condition, and invent some story as to where he had been and what he had been doing. Nor was it only to his employer that he must give this account of his past life. No man could go to work with his fellows in any workshop or manufactory without giving an account of himself; and if he gave a false account, he was almost sure to be discovered. An unfortunate man in this position was, therefore, almost without resources, and could hardly be expected to continue in the paths of honesty. Then with regard to the course to be pursued towards these men, it was no doubt difficult for the Government to decide what should be done. As their Lordships would remember, a short time ago, considerable discussion took place with respect to the case of a convict named Brown, who had been discharged with a ticket of leave, who stated that he was dogged by the police, who prevented his getting or keeping work by telling his employers that he was a discharged convict. On inquiry, the reverse turned out to be the case, and that the man had returned to his old habit of misconduct—but contrast the situation of such a man in this country with that of the ticket-of-leave men in a convict colony. They used to be under the control and protection of the Governor, and their ticket of leave, being a proof of good behaviour, obtained them employment instead of being a disqualification for employment, as in this country. It was, however, no doubt very difficult to know what to do with respect to these unhappy men, for if they were to be protected from interference on the one hand, society must also be protected on the other. He had not the slightest intention to bring any charge against the Government for the manner in which they had administered the present system; but he certainly did wish that he could say that they appeared to have applied themselves earnestly and seriously to the discharge of the duty imposed upon them. He had lately moved for certain returns stating the number of tickets of leave granted, and the number which had been revoked; also the number of convicts who had been convicted of any crime after receiving tickets of leave. From those returns it appeared that 1,200 tickets of leave had been granted during the last year; yet it was stated that no communication had taken place between the Home Office and the prison authorities with respect to the ticket-of-leave men committed for fresh offences. It also appeared that no condition was attached to the grant of these tickets, nor any regulations made with regard to the conduct of those holding them. It was, indeed, notified to such persons that the power of the Crown to revoke these tickets would be exercised in case of misconduct, and that if they wished to retain the privilege they enjoyed they must prove themselves worthy of it. Now, if this notification was intended to be considered as a condition attached to the ticket of leave, it should have been placed on the back of it, and then the convict would always have it present to his mind whenever he looked at his ticket. But, then, in order to make this of any value, the Government must have power to carry into effect these threats—for so he must call them. But how, under the present system, could the authorities know whether these men—over whom they exercised no surveillance—led a vicious or a virtuous life? Why, when he asked for a return of the number of convicts who, after having received tickets of leave, had been since convicted of any crime, what was the answer? That the Home Office had no means of answering the question. But, who should have the means of answering the question, if the Home Office had not? It was evidently utterly impossible for the Home Office to judge of the operation of the ticket of leave, or to act upon the conditions on which it was said these tickets were granted, unless they were in a position to trace the conduct of their holders. It was the duty of the Home Office to exercise a general superintendence over the criminal jurisdiction of the country, and have an account of every conviction of ticket-of-leave man as soon as it took place. There had, in his opinion, been no system; and if there had, he should be glad to hear from the noble Duke what the system was, what the checks were, and what benefits were likely to arise from it. In round numbers there had been 1,200 tickets of leave issued since October, 1853. According to that rate 150 convicts a month had been turned loose upon society; and the question was, whether the country could absorb that amount of such a population without any provision being made for their control. He was strongly of opinion, that if a man were to have any chance in this country, they must not have a detective policeman always at his heels to warn people against trusting him; but, on the other hand, they must have some system and some means of enabling that man to earn an honest livelihood before society would generally adopt him or receive him as a labourer or servant. It appeared to him that what was necessary was, not to grant them tickets of leave, but that some place should be provided, which he believed could be provided, that would become a substitute to a certain extent for the colonies to which they were accustomed to transport them; and where the Government would have some means of providing employment for the men when they were first discharged—for it should be recollected that at present they discharged them direct from the prison gate into the general population. Let it be remembered that there was no probation, and that many a man would act well in prison, and while under control and under the eye of authority when he knew the consequences of doing so would be his emancipation, who would not, when turned loose on society, have the courage to resist his former habits and practices. What a man's conduct had been in prison was no satisfactory test of what his conduct would be when turned into society; it was necessary to have some system established by which they could have their eye on them, because they should have some check over them in letting them loose on the world. Considering the temptations and difficulties to which these ticket-of-leave men would be exposed, it was not at all surprising that they should sometimes relapse into their former habits; and he thought the man was entitled to great credit who, liberated from prison with a ticket of leave, won his way back to an honest position in society. By putting the convict through a certain state of probation they would be then able to recommend him to employment, and many a man would take a convict from the public works who would not otherwise be disposed to engage him, and when he had once got employment he might hope to redeem himself. He had received some very affecting letters from men who had been discharged with tickets of leave under the present system, and who related the difficulties they experienced in the attempts to earn an honest livelihood, and they would really very much surprise the House if he were at liberty to read them. He had a letter from a man, who, having received a ticket of leave, was desirous to go to his brother in Australia, but he was told it was contrary to the rule, and he could not go to Australia. He (Lord St. Leonards) could not see why a man who had a connection in Australia, and deserved a ticket of leave, should not be allowed to go there as well as remain in England, Ireland, or Scotland; but he was denied the liberty of going there, simply because he had a ticket of leave, and he got the ticket of leave from the very Government who denied him the permission to go. There was a case of a man whose brother proposed to give him the means of earning a livelihood by driving a cab; but when he went to Scotland-yard and asked for a licence, they said they could not give him a licence because he was a ticket-of-leave man. What was such a man to do? When he had the honour of being a Member of the late Government, nothing pressed more upon him than the difficulty to which he called their Lordships' attention, and he never could quite see his way; but he was sure that their Lordships would be of opinion that it was a question to which the Government ought to direct its most serious attention. He had no doubt the noble Duke opposite was desirous of doing all he could with reference to the adoption of some plan to remove the difficulty; but if a satisfactory plan should not be agreed upon, he (Lord St. Leonards) should think it to be his duty in the next Session to move for the appointment of a Select Committee to consider the whole question. In the meantime he hoped that the Government would take the matter into its serious attention, and prevent the necessity of such a motion on his part.

THE DUKE OF NEWCASTLE: I can assure the noble and learned Lord that it was quite unnecessary for him, in the course of the observations which he has made to the House, to say that he had no desire to make any complaint of the Government in reference to their management of this matter; the whole conduct of the noble and learned Lord in the House with reference to the ticket-of-leave question affording quite sufficient proof of that, if he had not made the statement himself. I only regret that there is no Member of the Government in this House in more immediate connection with this particular question, and able to answer more in detail and more satisfactorily the observations that have been made by the noble and learned Lord. At the same time, having held the seals of the Colonial Office, and being the individual to advise the total cessation of transportation of our convicts to the colonies with the exception of Western Australia, I do feel a special interest on that account in the success of this great and most important experiment, and undoubtedly feel a large share of responsibility attaching to it. The noble and learned Lord had stated very fairly and accurately the circumstances under which transportation had been, with reference to many of the colonies abolished, and with reference to Western Australia diminished; and he said that the late Government had under consideration the question of adopting the system of transportation in some group of islands—but I do not know whether he meant the Falkland Islands or not. In the course of the discussions which took place on this question last year, I ventured more than once to point out to your Lordships that, although you might undoubtedly continue the system of transportation, that is to say, a system of removal of culprits from this country to some other spot, it was impossible to continue the system of transportation of late years adopted so long as the communities in our colonies were unwilling to receive them. Undoubtedly you might adopt a system in the Faulkland Islands similar to that which had been carried on in Norfolk Island; but by adopting a system of transportation such as it was in the early days of that colony, and which, after a trial, was repudiated by the whole community of the colony, you would be engendering, and not correcting, crime. Such a system cannot be carried on in the Falkland Islands, or any other island belonging to this country. But I apprehend that the whole value of the system of transportation as it was carried on, existed in the very practice to which the noble and learned Lord referred, when he contrasted the system of ticket of leave in this country with the system in the colony, where he said there was a system of surveillance over the convicts intermixed with the pure population of the colony, and the population untainted by crime, with whom they might become intermixed at the termination of their period of punishment. But New South Wales and Van Diemen's Land desired to be relieved from any further importation of convicts, and the only spot now available is Western Australia. When therefore these countries repudiated the system on moral grounds, it became impossible for this country to continue transportation on the former system, and in my opinion it would be most unwise and, I may use the phrase, wicked to renew such a system under any circumstances. I do not say that in the course of time there may not arise other colonies young in origin, and extending probably over considerable districts of country, where—as West Australia does at present—for the financial advancement and establishment of the colony, they may be willing to accept convicts; and if such a state of things should arise, there will, I am sure, be no indisposition on the part of the Government to take the matter into consideration. But I cannot hold out any expectation to the country that colonies which have been already established will ever be found willing to accept convicts, and I trust that this country will never be found anxious to thrust them upon them, if such willingness to receive them does not exist. Such are the circumstances under which the present system was adopted. My noble and learned Friend stated that it was necessary in this or some other system to consider whether no new penal settlement could be established; but he was not quite correct in drawing the contrast between this country and the colonies so far as the position of the latter is concerned. My noble and learned Friend seems to be under the impression that these men, on receiving tickets of leave, are at a loss to find employment by which they might earn an honest livelihood. I do not know what particular instances have been brought to the attention of the noble and learned Lord; but he will admit that the cases drawn to his attention from the philanthropic disposition he has shown, in this House and elsewhere, on the subject, are likely to be cases of hardship, and therefore it is unfair to form an opinion from the individual letters that no doubt have been laid before him. The noble and learned Lord says that so great must be the dearth of private employment for those ticket-of-leave men, that it was desirable to establish a system of public works on which the convicts might be employed. I can assure my noble and learned Friend that it was intended, if there was any difficulty experienced in finding employment for them from private persons, that provision should be made to employ those convicts on public works until they could find employment. I can assure him that every attention has been paid to the demand for labour, with the view of employing them on public works if employment with private individuals could not be found for them; but such has not been, and is not at present, the case; and unless the necessity does arise for the adoption of a different course, I think it far better for the community at large to provide employment rather than to adopt a system of intermediate employment on public works. The noble and learned Lord said that the measure adopted by the Government was a mere gaol delivery, and that the convicts were periodically turned out of the prisons to find their way in the world, without any system having been adopted to prevent them returning to vicious courses, but I can assure the noble and learned Lord that he is mistaken, and when he shall read the reports that are about to be presented to the Secretary of State for the Home Department, he will see that there has been a system adopted. He seems to think that at the termination of the period of imprisonment they are merely released with those tickets of leave; but the fact is, that about a month before the time a convict is about to be released, either owing to his conduct in prison, or from the duration of his period of imprisonment having expired, a letter is invariably written by the chaplain of the gaol to individuals pointed out by the convict himself in their neighbourhood from whom he thinks it likely he might receive employment; and I am happy to say—and I say it to the honour of the individuals—those letters from the chaplains have been in the great majority of instances answered in the affirmative, and the convict has succeeded in obtaining employment. When those answers are unfavourable, steps are taken for finding employment for those individuals with other persons besides those pointed out by the convicts themselves, and up to the present time, as far as could be ascertained, the convicts who had been released had found no want of employment, with the exception of a few who have resorted to their old vicious habits. When convicts are released, they are taken by the officers of the prison to the railway and supplied with clothing suitable to the class of life they heretofore occupied and are again about to adopt, their fare is paid, and they are sent to the spot where they expect to find employment. As regards the sum to which they are entitled on their release, amounting sometimes to about *5l.* or *6l.*, the whole of that sum is not paid to them immediately, but a part is kept in reserve and paid to them occasionally, which has the additional advantage of continuing to a certain extent, without the aid of any watch or police, a certain degree of guard over them, and shows a continuance of the interest felt in them. These are only a few of the points of what I may call the system that has been adopted, and I mention them as the best way of correcting the erroneous opinion under which the noble and learned Lord has laboured, that no system has been adopted, but that the convicts are thrown upon the wide world without a chance of procuring employment. I believe the cases referred to by the noble and learned Lord, in which the convicts have resorted to their vicious habits are exceptional; and when we consider that out of 1,200 convicts who have hitherto been released, so far as we know, much less than 1 per cent have resorted to vicious habits—I do not mean to say that that is exactly the result, but we must argue from what we know—we must admit that that is certainly an extraordinary small proportion. It is so small that I cannot hope that it is likely to continue. It may extend on some future occasion to 15 or 16 per cent; but when the proportion is so small as at present, it would be only fair to say that the system has not met with that utter want of success which many persons anticipated at the commencement. The noble and learned Lord said there were no conditions attached to the licences granted to convicts, and he had been surprised to hear the noble and learned Lord say that it would have been right for some notice in writing to be given to the convicts. The noble and learned Lord had been misled, for the fact was, the system which the noble and learned Lord suggested had been adopted, and upon the back of the document given to the convict were certain printed conditions, under which the ticket of leave was granted. No blame attached to the noble and learned Lord for having taken this objection, and he was only happy to inform the noble and learned Lord that the case stood much better than was supposed. My noble and learned Friend has referred to the number of convicts that have been set at liberty and reconvicted; but when I last saw Colonel Jebb I put the question to him for the purpose of ascertaining the number again convicted. He said it was impossible to state accurately without investigation, and without knowing the names of the Judges and of the magistrates; but that, so far as information had been obtained, there was an extraordinarily small number of reconvictions. The noble and learned Lord has alluded to a special case, such as I am not surprised should raise a feeling of great interest in his mind; but, at the same time, it would be unfair to judge of the system from this case. The noble and learned Lord has referred to a ticket-of-leave man, who had the means of going to Australia, and he asked why he should not be allowed to go there? Why, for no other reason than this; it was felt when the Act was passed last year, that if the Government did anything from which it was to be inferred that they were doing indirectly what they would not do directly, they would be offering an insult to the colonists, and that the colonists would have a right to complain. Therefore, the tickets of leave are confined to the United Kingdom alone, and if there is to be any watch at all maintained over them, that is necessary. We have no right to let them into the world at large, or permit them to go into the Colonies or to foreign countries, and if we did, the Colonies and foreign countries would say they had a right to complain. To maintain, however slightly, a system of watchfulness over them, that watchfulness must be exercised by the authorities at home, and, therefore, it is necessary that the ticket of leave should be confined to the United Kingdom. A great objection has been urged to the system, on the ground that the convicts were left to be watched by policemen and were looked upon with suspicion, and were unable in consequence to find employment. I think it right, to remove any misconception that may exist as regards the police authorities, to assure the noble and learned Lord that instructions have been given to the policemen not to follow men who have tickets of leave, but, on the contrary, to render them facilities for obtaining employment. Whilst on the one hand it is desirable that we should keep up, as far as possible, some acquaintance with those men, it must not be done by policemen dogging them, but by the adoption of a mode with which no one is better acquainted than the noble Earl opposite, who has paid some attention to this subject, and by which we may keep up an acquaintance with those people. The noble and learned Lord may be sure that this question will not be lost sight of, and we shall have in this particular instance the assistance of a most able man, whose whole soul is wrapt up in the subject—I mean Colonel Jebb. If this great experiment can succeed in any man's hands, I am sure it will in his; and I am sure that every exertion will be made by him to justify this and the other House of Parliament in making this great experiment with respect to convicts in this country.

LORD CAMPBELL said, he did not disbelieve that very great exertions had been made to render this experiment successful, but he despaired of its ever being made so. Though only 1,200 convicts had been as yet discharged, there were thousands convicted every year, and they must be dealt with. Was it possible to expect that year after year those exertions to obtain employment could continue and be successful? They would find in this country, as had been found in other countries where transportation was unknown, that the number of convicts would greatly multiply, and that to try to reform them in their own country would be impossible. He had no doubt that every exertion had been made, and would continue to be made, to diminish the evils of the system; but what had been stated by his noble and learned Friend with regard to persons who obtained tickets of leave was quite true—namely, either that it would be known they had been convicted, and they would not be employed, or they must conceal by a lie their own former history; and in the latter case their previous character was always liable to be discovered at any moment, and they would be obliged to fly from one part of the country to another to avoid exposure. In his (Lord Campbell's) experience, when sentence of transportation was pronounced in open court, it not only made a deep impression on the convict himself, but upon all who heard it; and that sentence exercised more influence in producing good conduct than the actual infliction of the punishment itself. On the contrary, when a prisoner was sentenced to four years' penal servitude, he viewed the sentence with comparative indifference. In the first place he did not understand what it meant, and he next flattered himself that he was not to be sent out of the country, but was to be kept imprisoned for a few years where his confinement would probably be abridged, and that in the meantime he would only have some easy work to do that would give him very little annoyance. He had another remark to make with respect to the effect of the system of transportation upon industry. It was calculated that in the Australian colonies as many as 40,000 persons who had formerly been transported were now honestly and usefully employed in situations in which they maintained their families respectably; and there could be no doubt that if these persons had remained in England they must have led a life of continued crime, bringing lasting misery upon themselves, and preying upon the property of the country.

The Marquess of SALISBURY concurred in much that had fallen from the noble and learned Lord who spoke last, but thought that great difficulty surrounded the question on every side. The persons who were generally sentenced to transportation were not prisoners brought up for their first offence, but mostly belonged to a class of criminals who were thoroughly initiated into a course of vice and crime. The reform of the offender was a consideration that ought not to be overlooked, and one quite as important as was his punishment. There could be no doubt that a person who had passed through a term of penal servitude, even if disposed to lead a new life, had very great discouragement to encounter in his endeavour to gain an honest livelihood; and such persons were often compelled to resort to their old courses, and were the means of inveigling younger persons into the same vicious career. The ticket-of-leave system was, however, as the noble Duke stated, only an experiment; and he hoped that after it had had a fair and sufficient trial, the whole subject would be brought under the review of Parliament.

Lord ST. LEONARDS briefly replied. He said that the explanation of the noble Duke was satisfactory as far as it went, and he felt assured that the question would receive additional consideration from the Government during the recess.

NATIONAL EDUCATION—ADJOURNED DEBATE (SECOND NIGHT.)

Order of the Day for resuming the adjourned Debate [July 24] on the proposed Resolution read.

Debate *resumed* accordingly.

Lord BROUGHAM: * My Lords, I have certainly but faint hopes of being able to fix the attention of your Lordships upon an adjourned debate, however important the subject; and the rather because when I moved these one and twenty Resolutions, I abstained from reading them, that I might spare you the fatigue of hearing the statements repeated which had formed the substance of my address to the House. They were thus only printed in the Votes; and with all my respect for your industry in performing legislative duties, I can hardly believe that you devote much time to the perusal of those records of your proceedings; so that it is very much to be questioned if any one of your Lordships has become acquainted with a single word of these Resolutions. [The Earl of Aberdeen: Don't take that for granted.] My noble Friend opposite (the Marquess of Lansdowne) and my noble and learned Friends near him (Lord Chancellor and Lord Chief Justice Campbell) objected to my withdrawing the Resolutions when I had moved them, and they refused to have the previous question upon them put, lest it might be supposed that the House had disagreed with them. But as I could hardly expect so many important propositions, some of them statements of fact, others of principle, could be agreed to without further discussion, in concert with my noble Friends, the course was taken of adjourning the debate. I do not purpose to revive and continue it at present; but one of the Resolutions, the seventeenth, together with the provisions grounded upon it, in the Bill now on your table, is of such paramount importance that I must crave your indulgence while I open the great question to which it relates—that of the difficulty found to beset the subject of popular education on every side, and meeting us at each step of our progress, from the religious differences existing in this country. For my own part, I have always held the opinion, from which I will not say I have been driven by compulsion, but by compulsion I certainly have been driven most reluctantly to modify or qualify its practical application, that the true mode of educating the people is to provide the means of secular instruction, and keep religious instruction apart from it; or at least teaching in schools those truths on which all sects are agreed, and leaving those truths on which they differ to be taught by the parents of each child, the pastors of each sect.

In a community like this, filled with various religious classes, and whose religious zeal is happily so fervent—I say happily, because whatever dissensions it may engender, and whatever difficulties it may occasion, its warmth at least proves the strength and sincerity of religious conviction—it has always appeared nearly impossible to plant schools in which the children of various sects may be taught, unless their instruction is confined to secular learning, while their religious teaching is left to their parents or their pastors. But this principle by no means excludes whatever security may be required for their receiving that instruction at home, and for their attending the church to which their parents resort, supposing their attendance at the school service or school church dispensed with. This is the opinion, and with this qualification rather than exception, which I have ever held, and in common with men whose great worth was not more remarkable than the strength of their religious feelings, so that it is grounded on anything rather than indifference on this most important matter. I refer to my lamented friend the late Duke of Bedford; but I may besides cite those who also bore the foremost part in the kindred, nay, identical controversy of the British and Foreign Bible Society, Mr. Wilberforce, Mr. Whitbread, Zachary Macaulay, William Smith, who differing with them on many other points, agreed on this, and agreed with them also in being a truly pious man.

At first, and I may add for very many years after the system of schools for all was introduced, it was no part of the plan that any care should be taken for religious instruction, because the difficulties were found to be all but insuperable, of combining that with secular teaching; and it was found almost equally difficult to exact any security for religious instruction out of school, unless some such instruction should be connected with the school teaching. Still, as the extreme importance of obtaining some such security was admitted on all hands, I was induced to insert a provision in the Bills of 1837, 1838, and 1839, which had received the entire approval and support of the Government (Lord Melbourne's), and I have introduced it into the Bill now on your table. It requires that all schools to be either planted, or assisted by the rate which the municipal bodies are authorised to levy, shall be open to all classes, teaching no catechism, compelling no attendance at church service, where parents either object to the catechism or the service, but requiring satisfactory proof that the religious instruction and attendance on divine service is cared for by the parents or guardians in their own way. When we consider the division of the community into so many sects, we at once perceive the absolute necessity of some such principle governing our provisions for popular education, if, indeed, we are not led at once the full length of adopting the peremptory separation, of secular from religious instruction, on which, however, I repeat, the general sense of the country, and of Dissenters as well as Churchmen, has pronounced a sentence of condemnation.

But the religious divisions to which I advert are well calculated to make us feel all the difficulty of combining the two kinds of instruction in one system. On one side we have the Establishment and its schools, where the Catechism is taught, the Liturgy used, and attendance on the Church service required; and here there is no difficulty, because the hundreds of thousands of children attending these schools, and answering to the millions of Churchmen, belong to one body, all professing a religious belief which is one and the same. So it is sometimes said, there being the Dissenters on the other hand—let schools be provided for their children, where no Church Catechism, Liturgy, or attendance is required, but the instruction is given according to their dissenting views. And nothing could be more easy than such an arrangement if the sects, like the Church, were one and the same; but, unfortunately, they are five and thirty—twenty-seven British and eight foreign; there are divisions and subdivisions: thus, when we speak of Methodists as a sect, we are speaking of nine sects; for there are the two great divisions of Arminian and Calvinistic, and the Arminians are subdivided into seven, the Calvinists into two. So the Baptists are five sects, not one; and thus, when we speak of Methodists and Baptists as if they were two sects, we, in fact, are speaking of no less than fourteen, which, with the Roman Catholics, the Presbyterians, the Independents, the Unitarians, and others, make in all five and thirty different persuasions. True, some of these subdivisions only differ from each other by slight variations, or shades of diversity in opinion; and hence, if we had no experience to guide us, we might infer that their repugnance to each other, their determination to keep aloof, their mutual repulsion as it were, would be feeble in the like proportion. But, alas! alas! it is just the other way. The nearer they approach in doctrine and discipline, the wider is their severance in feeling; the more alike their religious belief and political structure, the more they disagree, the greater is their mutual repugnance. It seems to be the law that governs religious dissensions and spiritual animosity. The *Odium Theologicum* seems, like gravitation, only that it is repulsive and not attractive, to act inversely as the distance, or even in a higher proportion to the proximity of faith. To establish anything like a common action among the zealots of these sects is manifestly impossible. Nothing could satisfy, or indeed appease them, but the establishment of schools for each of the different persuasions, a thing utterly impracticable.

Happily, however, the same spirit does not prevail in all the denominations, or at least among all the members of each. There is the most satisfactory evidence that a great proportion of Dissenters avail themselves of the instruction afforded by the Church schools, and it is probable that far more of each sect send their children thither than to other dissenting seminaries. If we take the census returns framed upon the Church attendance on the 31st March, 1851, we may reckon 8,000,000 as the number of persons belonging to the Establishment; 5,700,000 as those of all the 35 sects, leaving about 4,200,000 not professing to join with any denomination. It has no doubt been said that those returns are of questionable accuracy as regards the proportion of churchmen to dissenters, and a Right Rev. Friend of mine (Bishop of Oxford) lately adduced facts to illustrate this position. But admitting all that can be alleged in support of this argument, the estimate of the number of Dissenters on which I am grounding my inference, will not be affected, because there is the margin of 4,200,000 to be distributed; and it must be granted that a certain proportion of these belong to the sects. I will allow by far the greater number to the Church, but I think were my Right Rev. Friend here, he would admit that increasing the number of 8,000,000, shown by the returns, to the extent of 9,000,000, and diminishing by that addition the 5,000,000 of Dissenters, we cannot add the whole 4,200,000 to the Church, giving it above 13,000,000. It is manifest, therefore, that nearer 6,000,000 than 5,000,000 must belong to the sects, or about 5,700,000. Now, in this population, what is the proportion of children attending schools? By the statements which I made the other evening, and for the reasons then urged, it appears that there should be about 700,000. But the returns don't show above 240,000 attending the dissenting schools, leaving more than 450,000 who must receive their education elsewhere. The great desire of Dissenters to obtain instruction for their children is undeniable; it has at all times most honourably distinguished them; they were the earliest in the field as promoters of popular education; and the number of children which I have just stated, must therefore receive education either at private seminaries or at church schools. At private seminaries, it is evident that only the children of the wealthier classes can be taught, and as these attend school much longer than others, there must on that account be an addition made to the number which was taken upon the general average for all classes. So that nearly the whole 450,000, certainly 400,000, are to be regarded as attending the National or Church Schools. This is a fact of the greatest importance, and it is hard to say whether there results from it more credit to the wise liberality of the Church or of the sects; for it shows on the one hand, that generally speaking, no attendance or instruction is enforced, which can offend conscientious scruples on matters of importance, and it proves on the other hand, that the mere name of the establishment, and the connection with it of the patrons and teachers, does not raise a prejudice sufficient to outweigh the Dissenter's desire of education for his child. We may thus derive very great comfort from observing that the good sense of the greater number both among Churchmen and sectaries, prevails over the bigoted violence of zealots, leads the one class to keep open the doors of their schools to all, by forbidding any compulsion, either as to catechism or divine service, and keeps the other class above the folly of indulging in groundless prejudices, rather against the name of an establishment than its substance.

But upon this wise forbearance, as the cardinal point, hinges the power of that establishment to benefit those without its pale. Its schools can only be accessible to all by the exclusion of whatever shuts their doors against conscientious Dissenters. Yet it is lamentable to reflect that while the Church has thus distinguished itself, those who had originally taken the lead against all exclusive views, all dogmatic tests, all observances which could by possibility introduce disqualification on religious grounds, have lately departed widely from these wise and tolerant principles. With the British and Foreign School Society, I have been intimately acquainted, I may say connected from its commencement in 1810, under another name; indeed I presided at the preliminary meeting held to found it, attended by W. Allen, Joseph Fox, Thomas Clarkson, and others, who had stood by Joseph Lancaster in his great difficulties. In the following spring, the Duke of Bedford presided over its first public meeting. Under his auspices, and those of the Duke of Kent, father of Her Majesty, one of the most zealous and useful friends of the Institution, it gathered strength; and its fundamental principle, that which distinguished it from the National Society, soon after established, was the rigorous exclusion of all differences on religious grounds, the severance of secular from religious instruction, the repudiation of whatever could by any possibility operate as a test—the principle embodied in its motto of Schools for All. Judge then of my astonishment when I lately heard that steps had been taken to shut the doors of this Institution against Unitarians, and deprive them of its benefits by requiring the acceptance of religious dogmas to which they cannot assent. Among the sects to which I have adverted, the Unitarians are in point of numbers nearly the least conspicuous; they amount to little more than 60,000; but they are for the most part in easy circumstances, and for their character and habits much respected. They make great exertions for the education of their children; but their poor, though not numerous, are in want of the means of instruction, especially in some parts of the West of England. Applying to the teachers connected with the Society and its officers, the pastors of the Unitarians have found that in its schools religious doctrines are required to be taught to which no conscientious Unitarian can subscribe. To such an extent has this departure from its fundamental principles proceeded, that I hold in my hand the opinion given by two learned friends of mine, the Chief Justice of the Common Pleas when he was Attorney General, and Mr. Rolt, the eminent King's Counsel, who being consulted upon the statement of the Society itself, signed by its Secretary, pronounced without hesitation that the Society is guilty of a constant breach of trust in dealing with the funds given or bequeathed to it on the faith of its original or fundamental principles, but now applied to support schools from whence Unitarians are excluded by the religious dogmas taught, by the test thus exacted from teachers, the standard of supposed orthodoxy to which the scholar must conform; and this by the Society which plumes itself upon rejecting all manner of exclusion, arrogates to itself the peculiar function of holding schools for all, and is constituted, both in its patrons and in its members, most chiefly of Dissenters from the National Church. So much for the tolerance of those who charge the Church with exclusive principles; so much for the fancy that intolerance is confined to establishments.

I have heard it once and again affirmed that Unitarians are not Christians; and some in their unreflecting zeal—some even of those whom I sincerely respect—have gone so far as to call Socinianism a half-way house towards infidelity; forgetting that a half-way house, from the nature of the thing, *ex vi termini*, must be as well from as towards—either to infidelity, or from infidelity to Christianity; and accordingly I have known eminent converts from the superstitions of the East who were Socinians. But when misguided men of more zeal than knowledge would thus distinguish the Unitarian from the Christian, whom, I will ask, do we fondly cite as our highest authorities when we are engaged in defending our religion against its infidel adversaries? In arguing with these upon the evidences, how often has one said, "What better would you have than that which satisfied the greatest masters of science, the great luminaries of law? Who was ever a better judge of legal evidence than Hale, of moral evidence than Locke, of mathematical and physical evidence than Newton?" And yet Locke at one time laboured under grave suspicion of Unitarianism, groundless, perhaps, though he was at the least an Arian. But that Newton was a Unitarian is quite certain. [Lord CAMPBELL expressed some dissent, saying he was an Arian.] No—as thorough a Unitarian as ever attended Essex Street Chapel. My noble and learned Friend will find this clearly proved by Sir D. Brewster from examination of the Newton MSS. which, that learned person says, leave not the shadow of a doubt upon the subject. Your Lordships, indeed, are not Unitarians; I question if there be one in this House. [Lord CAMPBELL: There have been.] Certainly there have; the Duke of Grafton and others; with them we may not agree; but assuredly their errors are not to be corrected by denying that Sir Isaac Newton was a Christian, or Dr. Lardner—he to whose writings the defence of our religion owes so great an obligation, that they form a large proportion, nay the very foundation, of Dr. Paley's celebrated work. With these eminent men you may differ; you may keep aloof as wide as you will from them; but it is not by denying the Christianity of Newton and Lardner that you can turn Socinians aside from their track. Neither of their heresies nor of far greater than theirs, have I the least dread. I have no alarm for the truth—no fear of error. Let truth be left to the attacks of its enemies, error to the care of its friends, and I have no apprehension of the result. But one thing I do fear; one thing does alarm me; and that is persecuted error. That fills me with apprehension; for well I know that whether openly persecuted or secretly oppressed—cruelly treated or subjected to injustice, annoyance, and vexation—it straightway becomes formidable. Maltreatment gives it the only chance of success, makes it by degrees wear the garb of truth, and ends by usurping her place. I hope and trust that the notice taken of that grievous mistake into which the men I allude to have been betrayed — well-meaning men but over-zealous, and without knowledge to temper and guide their zeal—may lead them to regain the right path from which they have strayed to correct the abuse which they have countenanced.

It is my confident hope that the Bill on your table, giving effect to the Resolution which I have been discussing, will receive the sanction of your Lordships, and that effectual means may thus be afforded, of giving where they are most wanted the blessings of education to all classes, without regard to their religious persuasion. We hear of maladies breaking out in certain districts detached one from another. The great evil of ignorance is also found to exist dispersed; and I would apply to it a sporadic remedy by giving our municipal bodies the power of planting schools at the cost of the communities subject to their government, but schools open to the children of all, whether Protestants or Catholics, Churchmen or Dissenters, and kept open by rules preventing all compulsory teaching of catechism, all compulsory attendance on divine service. This has been found easily effected in the North, upon the principles so wisely and so liberally laid down by Dr. Hook; for, at Edinburgh, I know that the children of various sects receive religious instruction in the same place at different hours, from different pastors, while they receive secular instruction at the same hours from the same teachers. But wise by the experience of my noble Friend in the Home Department (Lord Palmerston), who has unfortunately been frustrated in his attempts to improve our police, by the jealousy of corporate towns, I have provided that the municipalities shall have the most uncontrolled management of their schools, subject only to having the rating power withdrawn by the Education Committee of the Privy Council for a breach of the conditions on which it had been granted, such especially as the cardinal one of keeping the schools open to all classes. If they choose to change the fundamental rules, they must rely on other funds than the rate. I look forward to this measure as yielding a fair promise of successfully grappling with the religious difficulty, as it has been termed, which has hitherto obstructed our course. But I also look to my noble Friends who in the Privy Council administer the distribution of the grants for education, and I expect that they too will continue to put down all exclusive plans on the part of those who receive this aid, under what name soever they may approach the Committee, and will sternly discountenance such proceedings as I have been under the painful necessity of describing and denouncing—proceedings taken in violation of all principle, in display only of intolerant bigotry, and in furtherance of its unlawful designs.

Lord CAMPBELL merely rose to express his disapproval of the manner in which, as his noble and learned Friend had said, the Unitarians had been persecuted. He (Lord Campbell) was not aware that Sir Isaac Newton was a Socinian; he had always believed him to have been an Arian; he believed, however, that the Socinians numbered among themselves many men of good education, of great attainments, and of irreproachable lives. Though this sect laboured under what he conceived to be a lamentable error, still they were Christians, and ought to be treated as such. Until the repeal of the Statutes of William III. Socinians had laboured under various disabilities, and were not entitled to all the privileges of the Act of Uniformity, but now they were placed on the same footing as the other religious sects, and, though hoping that they might see their error, he yet trusted that, while they continued in their error, they would be treated as Christian brethren, and not, as they had been, as something worse than infidels.

Earl GRANVILLE said, that, as he had on a former occasion replied to the noble and learned Lord (Lord Brougham), he should now only trouble their Lordships with a few observations. With regard to the principle laid down by the noble and learned Lord as to the propriety of not making the Catechism compulsory in the case of children of other communions or creeds in the same school, no one could feel more strongly on this than he (Earl Granville) did; as he did not think that there could be any doubt as to the immense advantages resulting in the one case, and the immense disadvantages in the other. His noble Friend could, with him, affirm that great difficulties in apportioning the grants of the Privy Council had arisen in certain small villages in which, in the schools established, the Church Catechism was made a compulsory part of the instruction of the children. In many of these instances, the Dissenters had made application for funds for the purpose of setting up a school in opposition to the Church school. This had given rise to much difficulty, as the Government thought that in these villages one school could amply supply their educational wants, and that it would be an absolute waste of money to contribute towards the establishment of two schools. The children, therefore, in many of those villages did not avail themselves of the means of education afforded to them, which they otherwise would do if instruction in the Catechism were not made compulsory. He was happy to be able to state that there were many of the schools connected with the National Schools in which the Catechism was not made compulsory. He had that evening been informed by a clergyman, who had laboured in the schools where the Catechism was compulsory, that he was much struck with the disadvantages arising from such a system, and that he was most anxious that a Bill should be introduced, that in those schools to which the Privy Council grants were made, instruction in the Catechism should not be compulsory. He would venture to make a suggestion to his noble and learned Friend with reference to school books, which at present were not so cheap nor so good as they might be, considering the great demand there was for them. The greatest improvements in school books had been introduced into Ireland by the Irish Board of Education. He would suggest that the Society for the Diffusion of Useful Knowledge, or some society of that kind, might render most valuable aid to the educational cause by introducing cheap and efficient books. He believed that this would not prove unprofitable, for the Irish books sold in England lately had absolutely doubled their former sale; and, were this subject to be taken up by a society, it would give a most useful stimulus to publishers.

Lord BROUGHAM was extremely glad that his noble Friend had in his remarks entered into the subject of the care required to keep Church schools open to all classes, and he (Lord Brougham) had, he believed, rather understated the degree in which this had been already acted upon. The statements which he had this night made from the returns seemed to show how prevalent liberal views were among the patrons and directors of Church schools. He could not, indeed, refrain from a hope, grounded upon the conduct both of Church and sects, that it might be found possible to arm municipal bodies with the absolute discretion of making rules for schools under the Bill, although he had added a provision somewhat tending to narrow this discretion. He thought it extremely possible that the Dissenters being represented as well as the Church in the town councils, a compromise might be come to, and schools with different rules supported by the rate, so that different denominations might in name, as well as in substance, be suited. Considering the number of sects, this, no doubt, would depend upon their members exercising great forbearance, as he hoped they might, for the sake of promoting education. But, for the present, he deemed it advisable to frame the Bill as he had done. He would add, that he also agreed with what had fallen from his noble Friend as to school books. The Society for Diffusing Useful Knowledge, to which his noble Friend referred, had laboured, and he might say successfully, to provide books for popular instruction, but almost entirely for adults. After many years of such exertion, and in which, as he stated the other day, it had succeeded not only in bringing down the price of books, but in causing several hundreds of works to be prepared on subjects not before treated of at all, or not treated of in a satisfactery manner, it had found that, partly by such publications of its own, and partly by the stimulus given to other societies and to individual authors, the great work seemed to be nearly done for which it had been instituted, and for two or three years past it had rested from its labours. He did not, therefore, see how it could act upon his noble Friend's very proper suggestion; but he trusted that some other society might be found to perform the highly useful duty in question. His noble Friend was quite right in referring to the caution necessary, both in justice to the bookselling trade, and in order not to frustrate the object in view, both of which considerations made it most improper for Government to interfere in publishing school books. The Useful Knowledge Society was incorporated by charter in 1837; but when he framed that charter he took care to insert a prohibition against the Society deriving any profit whatever from its publications. Accordingly the gain upon one work which yielded profit was applied to pay the expenses of other works which could only be published at a loss; but no gain whatever could be received by the Society upon the balance of the accounts. To a voluntary and unincorporated society, wholly independent of the Government, undertaking the important office of preparing and publishing good school books, there could be no objection from any quarter; and he agreed with his noble Friend that this would be most useful. The Society to which reference had been made was quite aware of this great want, and had repeatedly referred to it in the course of its publications, and of its proceedings. He rather thought a Committee had been specially appointed on the subject, either upon his own, or the Vice President (Lord Althorp's) suggestion. That no interference of the Government can be allowed in any way, is perfectly evident. The least approach to a censorship of the press, which such interference must lead to, is never on any account to be tolerated. None but the enemies of education, as well as liberty, could entertain such a project for one instant.

Debate *further adjourned, sine die.*

OXFORD UNIVERSITY BILL.

The Commons Amendments to the Amendments made by the Lords, together with the Commons Reasons for disagreeing to some of the said Amendments, *considered* (according to Order).

The Amendments made by this House to which the Commons have disagreed, *not insisted on.*

The Amendments made by the Commons to the Amendments made by the Lords, so far as Clause F., *agreed to;* and the Amendment in Clause F., to leave out ("kept Two Terms or") in Folio 2, Line 10, objected to; and, on Question *agreed to;* and a Message sent to the Commons, to acquaint them therewith.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, August 4, 1854.

New Writ.—For Cockermouth *v.* Henry Aglionby Aglionby, Esq., deceased.

Minutes.] Public Bills. — 1° Consolidated Fund.

2° Legislative Council (Canada); Customs.

3° and *passed* — Militia Pay; Bills of Exchange and Promissory Notes.

LEGISLATIVE COUNCIL (CANADA) BILL.

Order for Second Reading read.

Mr. FREDERICK PEEL, in moving the second reading of this Bill, said, that its object was to enable the Legislature of Canada—if it desired to do so—to alter the constitution of one of its branches—namely, the Legislative Council, and for that purpose to repeal or alter the section of the Imperial Act for the Union of Canada, passed in 1840, which had reference to the manner in which the Legislative Council should be appointed. The Bill had been introduced into the other House of Parliament by the noble Duke lately at the head of the Colonial Office (the Duke of Newcastle), and this was the reason that the measure had not reached that House at an earlier period of the Session. It was, however, some time since the attention of Her Majesty's Government was called to the subject of this Bill. About the middle of last year the Government received two addresses from the Canadian Legislature—one from the Assembly, and the other from the Legislative Council. The address of the Assembly requested that the power which it was proposed to give them by this Bill might be conferred upon the Legislature, while the address of the Council remonstrated against such concession. The address of the Assembly pointed out the importance of introducing the elective principle into the constitution of the Upper House, and suggested a plan by which the Council might be rendered elective. The Assembly of Canada, at the time the address was passed, consisted of eighty-four members, but the number had since been raised to 130; these members were divided between two parts of the province which used to be called Upper and Lower Canada; the constituencies which returned them embraced a very large portion of the whole adult male population, and he believed that no popular assembly could more fairly represent public opinion. The address was adopted by the Assembly at the invitation of a member of the executive Government, and the following was the most important passage which it contained—

> "We, your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to represent to your Majesty that, under the circumstances in which the province of Canada is placed in a social, political, and economical point of view, we are humbly of opinion that the introduction of the elective principle into the constitution of the Legislative Council would not only impart greater weight to that important branch of the Legislature than it can have under existing arrangements, however judiciously the selection of its members may be made, but would also ensure greater efficiency in carrying out that system of government which obtains in the mother country, and has been happily introduced into this province."

That paragraph was not adopted without a division, but it was carried by a majority of fifty-one to fourteen, showing that four-fifths of the Assembly were in favour of this change. Looking over the minutes of the proceedings, he thought he might say he doubted whether there was a single member of the Assembly who really objected to the enactment of such a measure as that now before the House. The address of the Legislative Council was, as he had intimated, of an opposite character, and remonstrated against the concession of the power which would be conferred by the Bill. He fully allowed that all proper weight was due to the representations of the intelligent and experienced men who had seats in the Council, but their opposition was only natural, inasmuch as under the scheme which was proposed by the Assembly in their address, these gentlemen would be deprived at intervals of a greater or less number of years, of the seats which they now held for life. It appeared to Her Majesty's Government that the application of the Assembly was a most important one, and that they were bound not to act with precipitation, but to consider the subject carefully and deliberately. Now, the importance of this Bill did not in any way arise from its involving any innovations in colonial administration. The principle of the Bill was one which, on several occasions in the course of the last few years, the Home Government had recognised and acted upon in relation to the government of our Colonies. The importance of the present Bill arose from the application of this principle to that colony, which was the first in importance among all the great colonies of this country. The effect of this example would most assuredly be felt, not only in the adjoining provinces of British North

America, which possessed constitutions similar to that of Canada, but, in all probability, in the Colonies of Australia, where, at this moment, the question of the constitution of the upper of the two Legislative bodies, which it was proposed should share between them the functions of legislation, in place of the existing Legislative Councils, was a subject of public deliberation and debate. The fact that the petition of the Legislative Council of New South Wales expressly desired a constitution corresponding not to the British constitution, which was supposed to be the model of all our colonial constitutions, but to that of the province of Canada, showed, he thought, the importance of any measure of this kind. The address of the Canadian Assembly, to which he had before referred, reached Her Majesty's Government at so late a period of the year, that they did not feel justified in introducing any measure on the subject during the last Session. They determined, therefore, to consider the question during the recess, and to avail themselves of the visit paid to this country by the Governor General of Canada, the Earl of Elgin, to consult with him personally as to the course he would recommend. He thought the House would agree with him that no person could be better qualified than Lord Elgin, by his political experience, his intimate acquaintance with the affairs of Canada, his experience during the period of six or seven years for which he had presided over the Government of the Colony, and, above all, by his entire freedom from any party conflicts in the Colony, to afford valuable information on this subject to Her Majesty's Ministers. One of the most prominent features of Lord Elgin's administration had been, that since the introduction into Canada of responsible government he had abstained from identifying himself personally with any party in the province, and he had cordially co-operated with any Government, no matter who its members might be, possessing the confidence of the Assembly, in promoting the welfare of the Colony. The Government accordingly consulted with Lord Elgin, whose opinion entirely confirmed the statement that noble Lord made when he sent to Her Majesty's Government the address of the Canadian Assembly—

> "I feel it my duty, in transmitting this address, to state that I know of no expedient which is so likely to impart to the Legislative Council the influence which it is most desirable that it should possess as the substitution of the principle of election for that of nomination by the Crown in the appointment of its members."

The present measure, then, came before the House as the expression of the public opinion of the people of Canada, supported by the approval of the Governor General, and with the sanction of the other House of Parliament. The object of the Bill was to enable the Legislature of Canada to alter the fundamental basis of the Legislative Council. The Bill did not propose to make the Legislative Council an elective body, but merely provided that it should be competent to the Canadian Legislature, either to retain the Legislative Council as it now existed, or to alter its constitution as they might think fit. It might be asked, perhaps, why the Crown, in the exercise of its prerogative, could not confer the power sought to be given by this Bill, without the intervention of Parliament? When the Crown granted constitutions to conquered colonies it might, he believed, impose restrictions upon the powers of the popular assemblies which it created, but it had not been usual of late years to impose such restrictions; and when representative institutions were granted to the Cape of Good Hope especial care was taken that full and unlimited control over their own constitution should be given by Order in Council to the popular bodies then created. The constitution of Canada was, however, a Parliamentary constitution, and therefore it was necessary to apply to that House to sanction the powers which this Bill would give to the Legislature of Canada. If the Crown conferred representative institutions on a colony, the popular assemblies had in every instance, as a matter of course, full control over the institutions thus given. Thus the colony of New Brunswick had its constitution from the Crown, and it might at any moment make its Legislative Council elective if it pleased, subject to the exercise of the negative of the Crown on the acts of its Legislature. He mentioned New Brunswick because on a former occasion Earl Grey, when Colonial Secretary, stated to the Lieutenant Governor of that province that the Government of which he was a Member had no objection to the introduction of the elective principle into the Legislative Council of the Colony. But the explanation of the necessity existing in the present case for coming to Parliament was, that the constitution of Canada was a Parliamentary constitution, and had been so from its origin, having been established and regulated by the Acts of 1774, 1791, and 1840—the first conferring legislative powers on the Governor and a Council nominated by himself; the second dividing Canada into two parts, and creating a different constitution in each, one a Council named by the Governor, the other an Assembly chosen by the people; the third reuniting Canada, and amalgamating the two Legislatures into a Council nominated by the Crown, and a popularly elected Assembly. It was not competent for the Colonial Legislature to exercise any powers except those expressly given by those Acts, and that of 1840 did not confer power to alter in any manner those of its provisions which had reference to the Legislative Council. It might be asked whether there was any instance of Parliament granting a constitution to a colony, and, at the same time, conferring upon the Colonial Legislature which it created power to alter or to destroy the arrangement proposed by the Imperial Parliament. He begged to remind the House of a recent instance in which this course had been pursued. The Act which conferred constitutions upon the Australian Colonies granted to them full power to alter the constitutions provided by that Act, and to adopt, if they thought fit, the elective principle. When the Act of 1840 was passed for the union of the two Canadian provinces a strong reason existed for withholding the powers which would be conferred by this Bill. At that period great disunion and political confusion prevailed in Canada. A contest had long been prevailing between the French Canadians and the British mercantile party, and these contentions resulted in the rebellion of 1837. In 1838 the Imperial Parliament deprived Lower Canada of the free institutions which that Colony had enjoyed since 1791, and when, in 1840, Parliament was again called upon to legislate for Canada, it was felt necessary to proceed very cautiously with regard to the restoration of free institutions, in consequence of the distrust which existed in the loyalty of a portion of the population. There was, however, no reason at the present time for entertaining the slightest distrust of the Canadian population, and the loyalty of the French Canadians was undoubted. He conceived, therefore, that, as every colony of this country, with the exception of Canada, possessed those powers of dealing with its own legislative institutions which would be conferred by this Bill, Parliament could not now hesitate to grant such powers to the Canadian Legislature. In framing this measure the Government had not adopted the recommendations offered by the Canadian Assembly as to the details of the measure. No doubt it was wished that the scheme proposed in the address should have been taken as its basis, and a draft embodying its provisions had been subsequently forwarded by the Canadian Government, but it was judged better to leave the whole question to the Legislature of Canada, and to restrict the scope of the Bill to granting them the power of making the Council elective if they chose to exercise it. It was not improbable that the practical result of the measure would be to make the Council elective, and many persons were apprehensive that the authority of the Crown in Canada might be endangered if both branches of the Legislature became elective. He did not in any degree share those apprehensions; on the contrary, he thought it probable that if the Council were made elective, it might become a more conservative body than it ever was. On referring to the history of the Canadian Legislature, it would be found that the Crown had not, in reality, derived any authority or influence from having the nomination of the Council, and that it had not thereby succeeded in retarding any measure originating with the Assembly which might be supposed to encroach on the authority of the Crown. The Legislative Council had, in fact, been condemned from its commencement. In 1791, Mr. Fox proposed to make it elective, and though this was resisted by Mr. Pitt, yet a time was anticipated when the change would be required, and actually accomplished. In 1828 a Committee of the House of Commons, appointed, on the Motion of Mr. Huskisson, to consider the state of affairs in Canada, which were then complicated by the conflict that had long subsisted between the French and English parties, recommended that the number of nominee members in the Council should be diminished. There was a want of inherent power in its constitution which made it incapable of opposing any effective resistance to the Assembly, and this could only be given to it by making it elective, or at least letting it be understood that its constitution was completely under the control of the colonists themselves. But it was not to be anticipated that the Council should ever become the rival of the

Assembly, which would retain in its hands the power of the purse. He would now advert to some circumstances which were said to form a reason why the Bill should not be adopted. The Government of Mr. Hincks, which had held office in Canada since 1848, had recently been defeated in the Assembly, and had advised Lord Elgin to dissolve the Assembly and call a new Parliament. During the last Session two measures had been passed, one raising the numbers of the Assembly from eighty-four to 130, the other giving votes to persons possessed of a very small amount of property. The Canadian Government had not thought it desirable to avail themselves of the power given by the Imperial Act passed last year for settling the question of the clergy reserves until the measure increasing the constituency should be passed; but the Assembly had come to a resolution in favour of dealing with the question immediately. He did not think these circumstances formed any ground why they should not pass the present Bill. It made no difference, as far as this question was concerned, what might be the number of the members of the Assembly, or of the voters who elected it. Differences of opinion might prevail under any circumstances, but the great advantage of the present Bill would be, that, instead of there being a contest between a party in Canada and the Home Government, to withhold a power which the colonists ought to possess, the question would become one between political parties in the colony itself, where its details would be settled. It was further proposed by the Bill to repeal those clauses of the Act of Union of 1791, providing that the Colonial Legislature should not have power to alter the property qualification of its members, that the number of members of the Assembly should not be increased unless a majority of two-thirds in each House concurred in favour of doing so, and that certain Colonial Acts should not be confirmed by the Crown until they should have been laid on the tables of the Houses of Parliament for thirty days. He felt persuaded that the measure, if passed, would give increased steadiness to the course of legislation in the Colony, render the Council a really conservative body, capable of acting as a check or balance to the Assembly, and remove elements of future disturbance from the relations now happily subsisting between the mother country and the British North American Provinces.

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir JOHN PAKINGTON said, he should not shrink from the duty of objecting to the second reading of this Bill in spite of the present discouraging state of the House. He objected to the Bill, first, because it was one sanctioning institutions of an extremely democratic character in the important province of Canada, and secondly, on account of the manner in which it had been brought under the consideration of Parliament by Her Majesty's Government. In the first place the House of Commons was called upon to consider a Bill of this moment for the first time on the 4th of August. He took exception decidedly to the statement of the Duke of Newcastle in another place, and of the hon. Gentleman the Under Secretary of State for the Colonies, that this was only a permissive Bill. Had the Canadian Assembly merely requested power to make the Council elective, and had the Bill given only such permission as was given in the case of the Australian Government Bill, it might have been fair to make this statement; but the fact was that the Canadian Government had devised a specific scheme, which in his mind was one of an extreme democratic character. They sent it over for the consideration of the Imperial Government, and then Her Majesty's Ministers brought into Parliament a Bill to enable the Canadian Legislature to carry out that particular plan. To bring forward such a measure at such a date as they had now reached, was a course not decorous or respectful either to that House or to the Canadian Legislature. The Bill had been on the table for five weeks. Why had it not been read a second time before? Why had Government waited so long? It was brought down to that House on Friday, the 30th of June, and this was now Friday, the 4th of August. He had really thought that the Government had considered it wiser, considering what had since taken place in the Colony, to drop the Bill altogether; but very greatly to his surprise, it had again been placed upon the Orders of the Day, after having long disappeared from them. He would put it to the noble Lord the President of the Council whether the Government were acting respectfully either to the House or the Canadian Colonies. Look at the state of the House. [There were at that time some twenty Members on the Government, and about ten on the Opposition benches.] Was that a House in which to introduce a Bill of such importance? Since the Bill came down from the House of Lords, the Legislative Assembly of Canada had been dissolved, because they evinced a determination to deal at once with the great question of the clergy reserves, after themselves virtually admitting that they were not a fair representation of the Canadian people by passing the Act to which the hon. Gentleman alluded, for the extension of the representation. Amongst the papers lately laid on the table he found a despatch from Lord Elgin, expressing an opinion that the attempt to settle such a question in a Parliament which had been already declared by its own vote to be an imperfect representation of the people, was a course of proceeding obviously open to serious objection. He must express strong disapprobation of the course taken by the Duke of Newcastle, as Secretary of State for the Colonies, in reference to this whole subject. The Bill was founded on the address of the Assembly, which, as well as that of the Council, reached this country in the month of July last, and were laid on the table before the end of the Session on the Motion of the hon. Member for Manchester (Mr. Bright). He recollected no other instance of such addresses having been laid on the table without the covering despatch, and could only explain the withholding it by the fact of no answer having been sent, or of the answer being of such a nature that Ministers did not choose that it should be known to Parliament. [Mr. FREDERICK PEEL: The despatch was not asked for.] That was, of course, the explanation offered by the Government, but he did not think that that was a sufficient answer, or that the omission of the despatch was justified by the custom of Parliament. He could only account for it in two ways—in the first place the despatch had not been answered; and in the second the Government, he suspected, were not very anxious to let Parliament see that despatch. He had a great respect for Lord Elgin, but the despatch in question was marked by a characteristic for which, on more than one occasion, he had had to find fault with the noble Lord. Its substance was this: "I think the measure most objectionable and surrounded with grave difficulties, but you had better pass it." That was a very convenient course for Lord Elgin, and might relieve him from very great difficulty, but he did not think it would be held very satisfactory to the public either in this country or Canada. It must be a matter of great doubt whether such an elective council as the Bill contemplated would work for the benefit of the people, or consistently with the plan of responsible government established in Canada. He (Sir J. Pakington) considered that the Duke of Newcastle had acted very improperly in not having so much as acknowledged the receipt of that despatch for eleven months. The noble Duke said that, as Lord Elgin was coming to England, he wished to see him personally before replying to the despatch. The noble Duke ought not to have waited for Lord Elgin's arrival; but when his Lordship did come, the noble Duke did not even then answer it. Lord Elgin was here at the beginning of the year, and yet the despatch was not answered till the 26th of May. He appealed to the House whether the noble Duke had treated so important a colony with the respect it deserved? And what had been the result of the noble Duke's conduct? The Assembly—considering, in the words of the old proverb, that silence gave consent—proceeded to draw up the draft of the Bill which they sent over to England for adoption. And even when the noble Duke did answer the despatch, did the House ever see such an answer? It contained four paragraphs. The first two acknowledged the receipt of the two addresses. In the third he stated that the Government intended immediately to introduce a Bill giving the Legislative Council such powers to alter the provisions of the Union Act as would meet the object of the address if the Legislature, on reconsideration, considered it desirable to persevere. In the fourth paragraph, he stated that they would also deal with the law requiring Bills of a certain character to be laid on the table of the House in the same Bill. And this was the answer which, after ten or eleven months' gestation, the noble Duke had produced to satisfy the people of Canada! But he should like to know what the noble Duke meant when he said that he proposed to introduce a Bill to effect the object of "the address," seeing that there were two? After nearly a twelvemonth's interval, at the end of June the Bill was laid upon the table of the House of Lords by the noble Duke, who appeared to think that, as he had taken so much time himself, the Houses of Parliament ought to have as little as possible. The Bill was opposed by a noble Earl in a speech of singular ability, and was supported by the noble Duke in a speech characterised by as signal a want of success. The noble Duke said that he (Sir J. Pakington) had also produced a colonial constitution in which the Upper Chamber was an elective one. This was the second time on which he had been invited by the Government to share their responsibility with them, and the construction he put upon this repeated attempt to fix him with complicity in the acts of the Government was, that they were not quite sure that those acts would bear examination; for if they were satisfied with their measures he was afraid the last thing they would think of would be to invite him to share the credit of them. The noble Duke said—

SIR GEORGE GREY rose to order. The right hon. Baronet had alluded to the speech of the Duke of Newcastle on the second reading of the Bill in the House of Lords, and he held in his hand a newspaper which professed to give a report of the debate.

SIR JOHN PAKINGTON said, he did not hold in his hand a newspaper, and he had never alluded to the House of Lords.

MR. SPEAKER said, it was very irregular to allude to debates in the House of Lords. The right hon. Gentleman might allude to proceedings in the House of Lords, but not to debates there.

SIR JOHN PAKINGTON said, he was always anxious to pay the greatest respect to the decision of the Chair, but in this case he could do no more than render a literal obedience to the ruling of the right hon. Gentleman. He had never named the House of Lords, and he thought it would be an extreme measure to prevent him from doing what he had seen done over and over again. All he would say, therefore, was that the Duke of Newcastle was in error in supposing that he had anything to do with the Cape constitution, that constitution having been drawn by Earl Grey. The only thing which he had to do with that constitution was to write a despatch, in September, 1852, advising that proceedings with respect to it ought to be suspended till the end of the Kafir war. When that war did close, and when he was preparing to consider what course he would take with regard to that constitution, the Government of which he was a Member left office. But he had been very much concerned in the formation of another constitution, namely, that of New Zealand; and on that occasion he had divided the House against a proposal for an elective Upper Chamber, and had been supported by a large majority. He did not mean to say that he would not, under any circumstances, allow of an elected Upper Chamber, for even in the House of Lords the principle of election was recognised. But he did not see any objection to the principle of a nominated Upper Chamber; on the contrary, he thought it might be made a useful check upon the action of the Legislative Assembly. The hon. Gentleman (Mr. Peel) said that the subject had been discussed in New South Wales. During that discussion, Mr. Wentworth—a gentleman who had earned for himself great colonial distinction, and who was certainly not of any aristocratic or high conservative principles—made a very remarkable speech. He said that the two Chambers at the Cape were mere duplicates of each other; and that the effect of the new constitution would be to hand over the Government of the Colony to the vagabond Hottentot party. But even the Cape constitution was not nearly so democratic as that proposed for Canada. The Lower Chamber in Canada it was proposed should be elected for six years, one-third going out every two years; whereas the Lower Chamber at the Cape was elected for ten years, one-half going out every five years. Again, the Cape qualification was an unincumbered real property amounting to 2,000*l.*, or personal property amounting to 4,000*l.*; but in Canada the qualification was to be the simple possession of property to the amount of 1,000*l.* What was this new Council in Canada to do? It was to be elected by the same constituency as the Lower Chamber. That he objected to. The qualification was only to be that the members were to be possessed of property to the amount of 1,000*l.* But there was another and important distinction which he thought highly objectionable, because it struck directly at the independence of the body. It was, that if they exercised their legitimate powers, and refused for two consecutive Sessions to pass the measures which had passed the Lower House, they should be liable to a dissolution. The institutions they were going to sanction were far more democratic even than the institutions of the United States. The most valuable part of the institutions of the United States was the Senate. They were not elected by the same constituency as the Assembly, but by a system of double election, and the result was, that they got a most valuable body of legislators of the highest class; and every one acquainted with the institutions of the United States must be aware of the difference of character which attached to the House of Assembly and to the Senate. Recollect that in America they had not what we call responsible government. The Ministers were independent of the Senate. And recollect the Senate was not liable to dissolution, but they were elected for six years, and during that six years they exercised a veto on the legislation as great as that of the House of Lords. They were not subject, as the proposed Council was in Canada, to be dissolved, if for two years they resisted the more popular assembly. Then there was another change—he meant the facility that was given by this Bill to frequency of changes of institutions in Canada. If Her Majesty's Ministers thought the Canadians were going to establish for themselves a good and sound system of Government, why should they leave that Government exposed to change at any moment on the mere impulse of popular feeling? This was not the course pursued in the United States, where the constitution very wisely provided against hasty changes in the public institutions. The former constitution of Canada guarded against such hasty changes, by requiring the consent of a large proportion of the Legislature to any alterations in the constitution; and he wished to know on what ground this principle had been abandoned? He thought it was impossible that such a constitution as was proposed to be established by this Bill would really effect the great object of a second Chamber—namely, that of establishing a check between the executive power on the one hand, and the popular branch of Legislature on the other. How was it possible that an effective check could exist where the two Chambers were elected by the same constituency, and when the Upper Chamber was liable to dissolution if it resisted for two successive Sessions the will of the Lower Chamber. The opinions expressed by the noble President of the Council (Lord J. Russell) in 1840 were directly in opposition to such an arrangement. He (Sir J. Pakington) thought it was impossible that the system of party government—or, as it was called in the Colonies, responsible government—could be carried on with two Chambers, constituted in the manner proposed by this Bill. If they had two bodies, both claiming to spring from popular election, the one continuing for four years and the other for six years, they might have one House opposing and the other supporting the Executive Government, who, under such circumstances, would find it extremely difficult and embarrassing to carry on the system of responsible government. He also entertained a very strong feeling that, in thus sanctioning by their legislation democratic institutions of this character for the Colonies, they were not really meeting the wishes of the colonists themselves. He did not believe that the colonial subjects of the British empire had any desire for democratic institutions. This question had arisen in New South Wales, where the constitution of the Upper Chamber had been fully discussed by men who were most anxious for the maintenance of public liberty. Since 1844 the colonists of New South Wales had repeatedly urged upon the Government their desire to have certain concessions made to them, and those concessions were ultimately made by the late, and confirmed by the present, Government; but it was required, as a condition of these concessions, that the residents of New South Wales should remodel their constitution. A Committee was appointed by the Legislature of New South Wales to consider and report upon the draught of a constitution, and the feeling of the people was in favour of a nominated Upper Chamber. [Mr. LOWE: No!] That was rather an unusually flat contradiction, but he thought the extract he was about to read would bear him out in what he had just stated. The Committee stated—

> "As regards the constitution of the Legislative Council, your Committee consider the House is pledged to a constitution similar in its outline to that of Canada. . . . But the Committee are of opinion that the offer contained in their declaration and remonstrance necessarily includes a nominated Legislative Council in the first instance; and from this offer, independently of the question whether they are strictly bound by it or not, they see no reason to depart. They desire to have a form of government based on the analogies of the British constitution."

M. de Tocqueville had taken precisely the same view with regard to the constitution that was required for Canada. He believed it would be found that a great proportion of the Canadian people would be unwilling to adopt democratic institutions, or to depart one iota beyond what was unavoidable from the constitution of the mother country. He thought the error which had marked the Canadian policy of the noble Lord (Lord J. Russell) was, that it had always had a tendency to elevate that portion of the colonial population who were least attached to the British Crown and to British institutions, at the expense of the most loyal portion of the population, and those who were most anxious to preserve the British connection. He had traced this principle in the noble Lord's policy for many years, and he found it still pursued. He thought the cause of this policy was the mistake which many persons made in confusing democracy with freedom. He would always be prepared to resist and to oppose democracy—he meant, of course, extreme democratic institutions. At the same time he readily acknowledged that the democratic element was one of the greatest blessings this country had ever enjoyed. He held that no country could be free and prosperous without a large infusion of that element; but he believed that, if the principle was pushed too far, and if extreme democratic institutions were adopted, neither the interests of freedom nor the real happiness and welfare of the people would be promoted. He would not advise the Government to oppose what was proved to be the fixed and decided wish of such a population as that of Canada; but he counselled them not to go out of their way to encourage extreme democratic institutions, and to give to such institutions the sanction of the British Parliament. What the colonists desired, and what Parliament was bound to give them, was full power to manage their own affairs. If the Parliament wished to conciliate the affections of the colonists, and to cement their attachment to the Crown of England, let them respect the rights and freedom of the colonial population. He believed that if they offered to our colonists the most democratic and republican institutions, the colonists would reply that they were still the subjects of the Queen of England—that intervening seas had not diminished their attachment to the institutions of their fatherland; and that, adopting the noble language of a distinguished colonial statesman, Mr. Wentworth, they would declare that they rejected the unwelcome boon. He would not call upon the House to go to a division; but he wished to place upon record his entire dissent from the course which the Government had taken upon this subject, because, in his opinion, this Bill would give the sanction of the British Government to the establishment of institutions in Canada which would tend, surely and certainly, to the separation of that Colony from this country, and which, neither before nor after the period of that separation, could possibly conduce to the welfare, the happiness, or the good government of the Canadian people.

MR. ADDERLEY said, he conceived this Bill was only extending to Canada the same principle which the mother country had recognised and acted upon with respect to other of her colonial possessions, and therefore he considered it was almost a waste of time to prolong the debate. At the same time he wished to express his extreme dissent from the views which had been expressed on this subject by the right hon. Baronet (Sir J. Pakington). It appeared to him that the right hon. Gentleman opposed this measure because he objected to the Reform Bill, which had been approved by the Canadians, and that he consequently was in favour of the existing state of things in Canada. But he (Mr. Adderley) would appeal from the right hon. Gentleman's views on that point to those who were smarting from the existing state of things there, and to the wishes of the Canadian people themselves. He would ask the right hon. Gentleman, on what grounds this country could possibly interfere to oppose the wishes of the people of Canada as to a reform in their constitution? He conceived the question before the House was not whether the Reform Bill which was proposed by Canada was a good one or not. Indeed, if there was one fault which the Government had committed in reference to this measure, it was that both in the measure itself, and still more in the debates which had ensued upon it, they had entered into the details of the subject, seeing that they had proceeded on the principle that the Canadians would choose their own constitution. He would submit to the House that the broad question which the House had to consider was, whether this country could insist on a different Reform Bill from that of the Canadians themselves. Could the right hon. Gentleman point to one solitary instance in the history of colonial legislation where a constitution which had been made to order in this country had ever succeeded or taken permanent root in the political institutions of the colony for which it was designed? He (Mr. Adderley) did not believe such an instance was to be found. It would seem that if the right hon. Gentleman was now in power as Colonial Minister, his object would be to suppress the wishes of the Canadian people, and to send out to them a constitution similar to that of the mother country.

Sir J. PAKINGTON said, he must disclaim any such wish, and he could not help complaining that the hon. Gentleman was misrepresenting the arguments he had used.

Mr. ADDERLEY: The right hon. Gentleman seemed to think that England had a mission to spread monarchical institutions over all the world. He (Mr. Adderley) believed that during the 200 years in which England had been engaged in colonisation, the result of all its achievements in that way had been to spread as great a variety of political constitutions all over the globe as any nation had done ever since the world began; and the kind of constitution which they had never succeeded in establishing was just that which the right hon. Gentleman was desirous of seeing adopted in Canada. He (Mr. Adderley) would rather say, let us trust to that spirit which loves its own institutions, which goes out with every band of emigrants that leaves this country for our distant dependencies, and which would ever adapt itself to the local circumstance with which it had to deal, and which were but imperfectly understood in this country. The right hon. Gentleman seemed to think that it was desirable to imitate the House of Lords in constituting an Upper Chamber for Canada; but he (Mr. Adderley) would tell him that the House of Lords was not so easily imitated. That House sprang from a root the like of which he would not find in the Colonies; there were not materials for the constitution of a Chamber on any such principle in a new colony, where the population was always of an essentially shifting character; and to found anything like an hereditary peerage under such circumstances was absolutely and simply impossible. He contended that a nominated Chamber was a mere duplication of the Crown, and nothing more. He would say, in conclusion, that he was most anxious that nothing should be done which was likely to endanger the connection subsisting between this country and the Colonies; and he would now give notice that, at the very earliest moment of the next Session, he should venture to bring the question before the House, whether it was wise or politic to be alluding to the separation of the Colonies from this country as a possible contingency, and whether it was not practicable to draw our distant dependencies into closer connection with the mother country.

Mr. HUME said, he could not but express his great satisfaction at the present state of affairs in Canada. Five and twenty years ago he proposed the adoption of the very course which was now being pursued towards that Colony, and everything that had occurred since showed that he was right. Every attempt to counteract the progressive principle had failed. Since representative government was extended to her, Canada had doubled in prosperity, and he had no doubt that her career would continue to be progressive. They were now asked to pass a Bill giving Canada power to alter the existing constitution, and he could not conceive anything more likely to lead to a happy result. The connection between this country and the Colony would last as long as, and no longer than, they made it the interest of the colonists to be associated with them. In the present state of the world they could not expect to keep their dependencies without the tie of interest; but, on the other hand, it was impossible that the colonists could enjoy greater advantages than they possessed in association with England, and with English capital and English protection to assist them. They were now adopting the true mode of making the Colonies of England strong and powerful. He entirely differed from the right hon. Gentleman in his appreciation of the Duke of Newcastle, for, in his opinion, the course pursued by the noble Duke throughout this matter had been in a high degree praiseworthy.

Sir GEORGE GREY said, he understood that the right hon. Baronet did not intend to divide the House, and, such being the case, and no Member having supported the right hon. Baronet's views, it was quite unnecessary for him to trespass for more than a few moments on their attention. The right hon. Baronet insisted, as one objection to the Bill, upon the late period of the Session at which it came before the House; but the measure had only been delayed, in common with other business that had come down from the other House, in order to enable the House of Commons to dispose of measures which had to be transmitted to the House of Lords. He would remind the right hon. Gentleman that the Bill had come down to them supported by the sanction of a large majority of the House of Lords, whose support of the measure fully confuted the allegation of the right hon. Baronet that the Duke of Newcastle had not efficiently prepared and advocated its provisions. As to the details of the Bill which had come over from Canada, he held, with the hon. Member for North Staffordshire (Mr. Adderley), that the House had nothing whatever to do with them, although, from the right hon. Gentleman's speech, it might be supposed that the House was absolutely in Committee upon that measure. The real question before the House was, whether, Canada having made the immense progress she had made in wealth, population, and fitness for self-government, there was any valid reason for withholding from her those privileges which were enjoyed by almost every other British colony of altering her own constitution, with the concurrence and consent of the Crown? Canada was now the only important British colony which did not possess this privilege. Was the House prepared to withhold the concession from Canada? In Australia our colonists knew how to exercise the privileges which Parliament had conferred upon them, and had they any more reason to distrust the Canadian colonists than to distrust the Australians? The right hon. Baronet denounced the contemplated constitution as democratic and republican, but the main point to be considered was the result that would be attained, and not the particular mode by which the Canadians would attain it. The question was, whether by the change proposed the Executive Council would secure that respect and weight and confidence with the people which the nominated Council had failed to secure, or which would enable it to operate more effectually as a real and valid check against inconsiderate popular impulses and hasty legislation? This end obtained, the mode was matter of less moment, and might safely be left to the good sense of the colonists. The feeling of Parliament had long been in this direction, and the effect upon our Australian Colonies and upon our North American Colonies of such principles had been most beneficial. He believed that the change, so far from tending to the separation of our Colonies from the British Crown—a separation which none could more earnestly deprecate than himself—would, on the contrary, tend to cement the attachment of the Colonies to the Crown, and to render the connection between them of far greater interest and value to both. The union of the two provinces and the introduction of a responsible Government under the auspices of Lord Elgin, had already operated most beneficially, had lessened the differences between the two races, and united them in a feeling of warm attachment to the British Crown, and he had the fullest confidence that the present measure would largely tend to strengthen and perpetuate the connection between this country and that Colony which Lord Durham had justly denominated one of the brightest ornaments of the Imperial Crown.

Mr. VERNON SMITH said, he wished to express his entire concurrence in the provisions of the Bill before the House. Whatever might have been the shortcomings of the noble Lord the President of the Council towards the Liberal party in this country, the noble Lord had always been firm to the Liberal party in the Colonies. In one, and only one, respect he concurred with the right hon. Gentleman (Sir John Pakington), namely, in the regret which he felt at the late period of the Session at which the Bill had been brought under their consideration; but that was no reason for objecting to it when it did come. The object of the measure was not to establish a new constitution for Canada, but to remove impediments which had hitherto prevented Canada establishing a constitution for herself, and he thought the Canadian people had shown themselves worthy in every respect of being intrusted with the management of their own institutions.

Lord JOHN RUSSELL: At this hour, Sir, I shall not occupy much of the time of the House; but, having introduced the Bill of 1840 for the union of the Canadas, I think it incumbent on me to say that I heartily approve of the present Bill. I think it was advisable to have imposed restrictions at that time; but from the moment the leading men of the Colony were disposed to say that the affairs of the Colony would be better managed by an elective Legislative Council than by a nominee Council, I cannot see what possible interest we can have in preventing them from making the contemplated change. I entirely concur in giving them this power. Whether or not they are wise in asking for it, and whether they will make a wise use of it, are totally different questions. This, however, we do know, that since the Union Act, which I had the honour to introduce, was passed, Canada has made very great progress, and that there can hardly be found anywhere, even among the young communities of the United States, a community in which population and wealth have increased so rapidly, or in which there has been such a great increase of every improvement that accompanies civilisation. With regard to the question of an elective Council, of course the Legislature of Canada will have to consider the difficulties to which they will be exposed. The right hon. Gentleman (Sir J. Pakington) is, I think, not mistaken in saying that it is a totally different experiment from that of the United States. There is certainly a danger with an elective Government and an elective popular Assembly, that the two Legislatures may not agree, and in that event the progress of Government must become exceedingly difficult. The only experiment which I know of the kind has been made in Belgium. It has succeeded hitherto, but once or twice I have watched the progress of Belgium with some anxiety, lest there should be a stop which might seriously injure the prosperity of that country. However, I believe that with regard to this question, as with regard to the clergy reserves, we ought to allow the great province of Canada to consult its own interests. I believe the colonists can judge far better than we can what is for their benefit, and I most readily consent to a Bill by which they will acquire the power.

Mr. HENLEY said, it was clear, from the noble Lord's own admission, that he had strong doubts as to the wisdom of the concession which the Canadians had sought. The noble Lord seemed to lay down the principle that what the colonists chose to ask they were entitled to have—a principle which would have operated just as well in 1840; but to his (Mr. Henley's) mind, the strong reason for giving the privilege to Canada was, that it had been given to all our other leading Colonies. He was quite of the opinion that the House had reason to complain of the late period at which this measure had been introduced.

Mr. LOWE said, he wished to explain that the reason why he had said "No," when the right hon. Baronet (Sir J. Pakington declared that the people of New South Wales were in favour of a nominated Upper Chamber was, that the people had petitioned against such a Chamber from every town and district of that Colony.

Mr. F. SCOTT said, he also must complain of the late period of the Session at which so important a measure had been introduced to the notice of the House. It had been urged as an excuse for having brought the Bill forward at so late a period of the Session as the present, that the Government had to introduce a number of other important measures. But what, he would ask, were those important measures? None had been passed in the present Session which could justify the Government in having recourse to the excuse to which he had just adverted. He objected also in the strongest manner to the opinion which had been expressed by the right hon. Baronet the Colonial Secretary, that the House ought to agree to the Bill, because it had received the assent of the House of Lords. But such a recommendation of a Bill, whatever might be its value at any other time, was of far less force with respect to the present Bill, when it was well known that, had its consideration been delayed but a few days, the intelligence received from Canada would have been of such a nature as most materially to affect the decision at which the House of Lords had arrived on the subject. The Bill appeared to him to be mainly founded on the recommendation of the Legislative Assembly of Canada. But no importance could be attached to the opinion of that Assembly, for the Governor General had thought proper to dissolve the body, because it had proved itself unable, in his opinion, to deal satisfactorily with even minor and far less important matters. The right hon. Member for Northampton (Mr. V. Smith), when speaking of the advantages of this Bill, had said that it would be of the greatest possible utility, as giving a second Chamber to the Colony, which would check the action of the Lower Chamber. But no great value could be attached to such an argument, inasmuch as this new Chamber was to be formed actually of the ingredients of which the Lower Chamber was constituted. He was surprised that the Ministers of a monarchical Government should suggest to a colony the adoption of a plan which would establish a second Chamber not even possessing the same check which existed in the case of the neighbouring republic—that they should propose, in fact, a measure more democratic than that of a republic. It had been said also that the Colonies should be looked at with a possible view to their ultimate separation from this country. But if that were so, was it not the duty of this country to give them monarchical institutions, and endeavour so to establish those institutions, that when the Colonies were separated, they might become distinct monarchies rather than rival republics, for the larger the number of republics which existed in what were now our Colonies, the greater would be the danger to the monarchy at home? He therefore protested in the strongest manner against passing a measure of this kind at the present period of the Session, and without that amount of discussion and careful consideration which its importance required.

Mr. BIGGS said, he felt greatly obliged to the Government for having brought forward this Bill; for he believed that a greater piece of practical statesmanship had never yet passed the Legislature of this country. The House might depend upon it that if it did not legislate and keep pace with the growing wants and opinions of the colonies, our valuable Canadian possessions would be alienated from us and thrown into the arms of the United States. He knew of no measures more likely to bring about this result than the stringent forms of Government advocated by hon. Members on the opposite side of the House. This Bill was nothing more than a proper concession to the colony of Canada, and, if passed, he believed it would ensure peace and the most beneficial results. He believed that the Bill, if passed, as he was sure it would be by an overwhelming majority, would form a most interesting bond of union between the colony and the mother country, would produce an immense amount of good feeling, and would increase the loyal attachment of the colonists to the Crown.

Question put, and *agreed to.*

Bill read 2°.

USURY LAWS REPEAL BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. CAYLEY said, it was his intention to move that the House resolve itself into Committee upon this Bill that day month. He must complain that the Bill had been introduced at this late period of the Session without any preliminary inquiry, and without any full and clear exposition of its grounds; and he maintained that there were many reasons why they should not proceed in this hasty manner to deal with a question of so much importance. This was not the first time that the same question had been brought under the attention of the House. There was an idea, after 1825, that in the panic which occurred in that year the commercial interests might have got money directly from legitimate resources, at a more reasonable rate of interest, if the usury laws had been repealed as regarded bills of exchange. An inquiry took place preceding the renewal of the Bank Charter Act, in 1832, and the Committee decided that it would be expedient to repeal the usury laws as far as regarded bills of exchange of three months and under. In 1833, a Bill was passed to that effect; but in 1836 another commercial panic took place, and in 1837 a Bill was passed to extend the law of 1833 to bills of exchange of twelve months and under. The question was again raised by Lord Lansdowne in 1841, upon which occasion the late Lord Ashburton stated that the relaxation of the usury laws had been of great benefit to the lender, but had not conferred an equal advantage upon the borrower. A Select Committee was then appointed to consider the subject, and that Committee reported in 1842, but refused to declare any opinion. The parties called before that Committee were all of them persons connected with the moneyed interest, with the exception of Mr. Cooke, of the firm of Truman and Cooke, large dealers in Mincing Lane, and of Mr. Graham, an official assignee connected with the Court of Bankruptcy. Mr. Cooke stated that in his view the relaxation of the usury laws had been extremely favourable to the capitalist, but extremely detrimental to the borrower, and he therefore considered that it had operated very badly. Mr. Graham declared that the relaxation of the usury laws had raised the rate of interest to those parties who had afterwards become bankrupts, or, in other words, to the most needy persons. But that was not all. In his evidence before the Committee which sat in 1847, Mr. Horsley Palmer, who had been Governor of the Bank of England, and who had recommended the Bill of 1844, which the Committee was then considering, stated that he had never known such fluctuations in the rate of interest and discount as had taken place since the passing of the Bill of 1844, and his statement was corroborated by Mr. Cotton and Mr. Tooke. Now, if the laws as regarded money were more free, it would be quite fair to contend that the capitalist should be at liberty to deal with his commodity as he might think fit, though reasonable doubts might be suggested whether money, considering all the functions it had to perform, did not differ somewhat widely from every other kind of property. But the laws as regarded money were not free. The monetary laws of this country were based upon the most restrictive system; and he must contend, from the evidence taken before the Committee of 1847, that the great commercial panic of that year did not arise from the operation of any natural law, but from the operation of artificial restrictions, invented and applied by the Legislature. Mr. Samuel Gurney stated before the Committee that the scarcity of money in 1847 was artificial and not real, and was caused by the absurd and whimsical provisions of the Bank Act of 1844. What was the House now asked to do? Why, it was asked to extend the system of legislation which was now connected only with bills of exchange and promissory notes to all transactions as regarded land. He maintained, however, that the Chancellor of the Exchequer had no right to put the landed interests into the same category with the unrestricted moneyed interests, until he had altered the laws which created artificial periods of scarcity and of pressing demands for money. The natural tendency of money was to become cheaper, and if Acts of Parliament, and not the natural laws of money, produced those periods of scarcity, they had no right to make the rate of interest free until they took the present restrictions away from money. Until they had reduced the expenses of the transfer of landed securities, it would be most unfair to put the poor yeoman or country shopkeeper in the same category with those the transfer of whose securities cost a mere trifle. The proposed repeal of the usury laws might suit the interests of Lombard Street, Threadneedle Street, and St. Swithin's Lane, but it did not necessarily follow that it would equally suit the interests of the commercial, manufacturing, and shop-keeping community, or that it would be equally advantageous to the landed, railway, and mortgage interests. The present Bill would most injuriously affect raily debentures and mortgages to a most enormous extent. They ought to make money free, if they made interest free, or if they kept money restricted, which was the effect of the Act of 1844, they ought to keep interest restricted too. The system now in operation was one which produced, by Act of Parliament, those periodical periods of scarcity which drove the industrial interests to Lombard Street for relief. Augustus was said to have found Rome brick and left it marble. The right hon. Gentleman the Chancellor of the Exchequer had found Lombard Street a limited monarchy, and he seemed to desire to leave it a grinding despotism.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day month, resolve itself into the said Committee," instead thereof.

Mr. HUME said, he agreed with his hon. Friend (Mr. Cayley) that any restriction, such as that imposed by the measures of 1844 and 1845, must be attended with unalloyed evils. His hon. Friend had spoken of the effect of the usury laws upon landed property; but had he forgotten that the witnesses examined before the Committee, of which he was a member, proved that the usury laws subjected landed proprietors to a rate of interest of occasionally as much as ten per cent? Before that Committee, and before the Committee of the House of Lords, the bulk of evidence showed it would be most beneficial to have free trade in money; and he hoped the time was not far distant when every one would believe as he believed, that, as in sugar and coffee, so in gold, individuals should be left to buy in open market at the current prices, without legislative interference. However, the subject was one that required great consideration, and upon that ground probably it would be better that the discussion should be postponed till next year, when the monetary question would be brought fully before the House.

Mr. WILKINSON said, that these usury laws were originally intended to benefit the landed interest exclusively; but they could not any more regulate the price of money in the market than they could the price of hay or any other article of commerce; neither could they compel persons to lend their money, whether they would or not, at any fixed rate of interest.

Mr. MALINS said, that the usury laws having been repealed as regarded personal securities, it would be perfectly ridiculous to attempt to reimpose them. But how stood the case between land and personal property? If a person deposited a quantity of sugar or coffee as a security for a loan of money, the lender of that money might legally take 40 per cent interest for its use; but, as the law now stood, if a person lent a sum of money on security of land, it would be illegal for him to receive more than 5 per cent interest. If he sought to recover more, the contract would be vitiated. The question then resolved itself into a distinction between the two kinds of property, personal and landed property. Was it right to make that distinction? Now he wanted to know whether it afforded any protection to the owners of land? So far from it, he believed it to be a great detriment and a great injury to the land, because the value of property depended much on its facility of transference from one to another. In consequence of the state of the law they had money panics, and the rate of interest had run up, within the last forty-eight hours, to $5\frac{1}{2}$ minimum. They knew that in 1847 the minimum of the rate of interest was 8 per cent. When money was suddenly wanted, and the borrower had nothing but land to offer as a security, by the law that was the worst description of property that could be held, because it was illegal for the owner of that land to give more than 5 per cent for the money, while, if the same party had had goods, he could have got money readily, being at liberty to give whatever rate of interest might be required of him. The lenders of money turned away from land, and lent their money on personal security at 8 and 10 per cent. So far, therefore, from benefiting land by these usury laws, they imposed a great injury upon it; they rendered it the least available of any species of property in the money market when the professed object of the law was to make it the most available. So far, therefore, from conferring any boon upon the landowner by these laws, they were putting restrictions upon him. It was said by the hon. Member for the North Riding of Yorkshire (Mr. Cayley) that this measure would be very detrimental to the small landholders. He confessed he was unable to see that. The small landowner either got his money or not; if his security were available he got it, if it were not available he did not. It was quite a mistake to suppose that land was the only available security. He had himself been engaged in a case where a young man had, upon personal security, given 30 per cent interest, and to which the Court of Equity saw no objection, since the Legislature had established the law that upon personal security, unaccompanied by a deposit of deeds relating to landed property, the parties were at liberty to make what contract they pleased. The result of his experience and of his observation in his profession was, that instead of the proposed change in the law doing any injury to the land, it would confer a great benefit upon it. Any measure which assimilated the law affecting real and personal property was, in his opinion, a good law, and therefore he gave his most cordial support to the present measure. It would have the effect of doing away with a great many lawsuits in cases where money had been borrowed, and in which no questions could possibly have arisen if land security had not formed a portion of the transaction.

Mr. SPOONER said, he objected in the first place most particularly, to the time at which the Bill had been brought forward. At this late period of the Session it was utterly impossible the subject could receive that attention which its importance required. In the second place, he objected to the Bill because it was intended to alter that which had been the established law for a very considerable time, and that in so altering it they would affect bargains which had been made under the existing law, which could not be done without inflicting injury on some persons who were parties to those bargains. He was apprehensive that the proposed change of the law would very seriously injure one class of persons—he meant the small landholders throughout the country. They had purchased their property on certain terms, and had borrowed money for the purpose of effecting the purchase on certain terms. Now, what would be the effect of this law upon them? There were in all parts of the country solicitors who, as soon as this law came into effect, would say to their clients who had lent the money to these freeholders, "You see that the value of money is raised by this new law, and you must raise the interest on the money you have advanced to these persons, and not be content with 5 per cent." He had no doubt that a great deal of this sort of thing would go on among the smaller holders of land in this country. Upon that ground, therefore, he objected to the Bill. Again, who, he would ask, had called for this Bill? Had the necessity for making such a great change been proved? On the contrary, the measure was totally unasked for, and was altogether a voluntary change from a system which had lasted for many years. He considered it dangerous at any time to make these changes, but more especially so at the present moment, when they were in a state of war, and when it was impossible at any one moment to know what would be the state of the money market or the rate of interest. By this measure they would subject a large body of persons who were now exempt from those changes, without notice, to become liable to all the influences and fluctuations which would necessarily take place in the money market when the provisions of the Bill came into operation.

MR. HENLEY said, he considered that, as the small landed proprietors almost invariably paid the full rate of interest, that rate would be increased if this Bill were passed. There had been many transactions on the faith of the interest on land not being greater than 5 per cent, especially in the case of members of freehold land societies, and the repeal of these laws would, therefore, injuriously affect those persons.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill considered in Committee.

In reply to a request from Mr. CAYLEY, to make the Bill experimental, by limiting its operation to two years,

THE CHANCELLOR OF THE EXCHEQUER said, after the experiments they had already had, and after the cautious manner in which the change had been introduced with respect to other securities, he thought the time was come to take a decisive step, either to confirm or abolish these laws. This Bill would tend to promote freedom of trade in money, and as it had been unanimously passed by the House of Lords, without objection or alteration, he confessed he should be very sorry to see anything done which might have the effect of interrupting the House of Lords in that career, and which would do no credit to that House.

House resumed. Bill *reported*.

PUBLIC HEALTH BILL.

Order for Committee read.

House in Committee.

MR. APSLEY PELLATT said, he wished for some information as to the new head of the department, because the efficient working of the machinery of the present Bill would depend very much upon the person who might be appointed to carry it out. He also wished to know whether the "small pipe" system of drainage was to be continued, and what influence the persons named in the Bill as constituting, with the President, "the General Board of Health," would exercise over the President himself.

SIR WILLIAM MOLESWORTH said, the constitution of the Board of Health, under this Bill, would be precisely that of other second class departments. There would be a President, who would be solely responsible for the administration of the Board, and there would be, besides the President, certain *ex officio* members, who, however, would have nothing to do with the business of the department, and whose only use would be, in the event of the absence of the President from London, or of his inability from any cause to attend to the business of his office, to do any ministerial act which might be required on an emergency. With respect to the question of pipe drainage, as the drainage of the metropolis was not at present under the General Board of Health, that Board pronounced no opinion whatever upon it. With respect to the gentleman who might be appointed hereafter to the office of President of the Board of Health, he could not be expected to answer his hon. Friend's question, for he really did not know. He hoped, however, and was convinced, that it would be a person of whom his hon. Friend would approve.

MR. EVELYN said, he must complain that, while the defects in the existing law in reference to the public health had been admitted by Her Majesty's Government, and legislation on the subject had been promised, nothing had yet been done. They were now told that there was to be an inquiry next Session. So they were told always. Everything was postponed to that shadowy period, and in the existing Session nothing whatever was done. Would the grievances of which the people had complained be in the least remedied by this Bill. One of those grievances was that the present Act was long and unintelligible. Would that be improved by the measure now before the House? So far from that, it would be made worse, for those who wished to know the law, would have to study this Bill also, and there would thus be a code of health extending to 162 sections. Another grievance was, that there was no scrutiny established, so as to test the *bonâ fides* of the signatures to the petitions which were sent up for the application of the Act. That also was left untouched. Another grievance was, that the law was not of universal application—that it was not brought into operation in every town and village in the country, but was applied only where the General Board of Health thought proper. The result was, in many cases, a great depreciation of property, for the moment a town was placed under the Board of Health, there was a rumour that some pestilence prevailed there. It was a grievance also that local self-government was preserved only in appearance, for the 119th section of the Bill placed the whole of the local boards completely under the control of the General Board, so that they could not stir hand nor foot—could neither levy a rate nor even appoint a surveyor—without the consent of that Board, which made what terms with them it pleased, and thus an engineering monopoly was created, most injurious to the sanitary improvement of the country. None of these evils had been redressed, or were proposed to be redressed, by this Bill. He thought the members of the local boards should be responsible, not to the General Board, but to the inhabitants of the district for which they were appointed to act. He considered the proposal of the Board of Health in reference to the water supply of the metropolis anything else than adequate for the purpose required, and he should conclude by expressing a hope that the inquiry which was promised next Session would lead to some better result than the addition of another to the number of Parliamentary "blue books." It would be well to give a careful consideration to the common law as bearing upon these subjects, and to see whether, by declaring the common law, allowing it to be carried out, and supplying what was defective, they might not do better than they had done hitherto.

MR. MICHELL said, that the Bill gave the Board too much power over the local officers. Another objection was that it did not give power over the City of London. The deaths from cholera had increased from twenty six to 133 last week. He had no doubt the increase took place from this cause. The mud and filth which was caused after rain was swept up into heaps, where it was left to evaporate. When dry it became pulverised, and was again spread over the metropolis. Now, evaporation could not take place from those heaps without carrying with it malaria, and this was one of the frightful sources of cholera and other diseases. Some people thought a dirty state of the streets was healthy. He was told by a lady that fogs were good for health, but he did not believe it. In no other city or metropolis, except London, were the streets swept by beggars, not even in Dublin, which was the land of beggars. Then, again, the graveyards in the metropolis were most prejudicial to health. Westminster Hall and that House received such a smell from the opposite graveyard of St. Margaret's that there was sometimes no bearing it. The state of things was worst at night, and the untrapped gratings added to the evil. Any one who walked over St. Margaret's might see holes for the rats and dogs. He put his umbrella into some of them. He measured the size of some, and found them to be eight inches by sixteen [*Laughter.*] This might be a laughing matter now, but they would not laugh when the cholera came home to them. On this very day there were nineteen deaths from cholera. The greatest number of deaths occurred in the filthiest part of the town. He had, therefore, felt it to be his duty to state these things to the House.

SIR GEORGE PECHELL said, it was right that the new Board should be made aware of the system which had been practised by the old Board, and of the feelings of the public with regard to its proceedings. It had been said that provisional orders, such as the old Board had issued, and which he considered inexpedient, were less expensive to the ratepayers than local Acts; but the local Acts which had been referred to in support of that proposition, such as the Brighton Act and the St. Pancras Paving Act, had nothing to do with the question. The expense of sending a man down merely to take a survey of Brighton previous to a provisional order had been 198*l.* During the last five years the Board had incurred very great, and, as he considered, unnecessary expenses, and had only applied the Act to a comparatively small number of places. He admitted that the principle of the present Bill was received with almost universal favour, but hoped that some inquiry would take place in order to show the new Board the faults which the old one had fallen into, so that it might avoid them. No town ought to be brought under the operation of an Act so stringent as that of 1848 without ascertaining the sense of a *bonâ fide* majority of its inhabitants; but if the present system of bringing it under the control of the Board on the petition of one-tenth of the number was to remain, no place would be safe.

MR. PHILIPPS said, he believed that a petition signed by one-tenth of the inhabitants of a place could be got up for or against any subject, especially if the names of the persons signing the petition were not to be verified, and, in his opinion, no town ought to be bound by such a minority.

MR. COBBETT said, that all the petitions presented te that House, complaining of the conduct of the Board of Health, asked for an inquiry into the circumstances of their being brought under its operation, and alleging, at the same time, that it had been by deceptive means. He wished to have a complete understanding from the right hon. Baronet the First Commissioner of Works, as far as could be given, that the measure, during the year it would be in force, would not be brought into operation in any particular town unless the petition for it was genuine, and was signed by a majority of the ratepayers, and also that before any permanent measure was passed, it should be referred to a Committee of Inquiry upstairs.

SIR WILLIAM MOLESWORTH said, he must remind the hon. Gentleman that the Bill was not to amend the Public Health Act, but to constitute a new Board, and it would be extremely awkward for him to make any statement affecting the manner in which towns ought to be brought under the operation of the Public Health Act. All he could say was, that when provisional orders for such a purpose were brought into that House, it had always been his principle not to ask the House to confirm them where a decided majority of the ratepayers opposed the introduction of the Act, and he had no reason to suppose that that principle would be departed from. With regard to the other question, it would be the duty of the President of the new Board to propose a Bill next Session for the amendment of the Public Health Act, which would, no doubt, be referred to a Committee, and witnesses examined on it.

LORD DUDLEY STUART said, he believed that very unhealthy exhalations arose from the water in some of the parks. In particular he was informed that on very still nights there was a very unpleasant smell from the water of the Serpentine; that the sentries on duty often complained on the subject, and that the inhabitants of the houses in the immediate vicinity, in Bayswater and Westminster, were frequently obliged to close their windows. He was further told that this smell was caused by a great quantity of putrescent mud which lay at the bottom of the water, and that the evil might be removed by cleansing out the mud and introducing fresh supplies of water in the form of a continuous running stream.

SIR GEORGE PECHELL said, he was ready to admit that the First Commissioner of Works had been opposed to provisional orders being confirmed for putting the Public Health Act into force in towns where its introduction was opposed by the inhabitants; but he must yet complain that after such an expression of opinion in towns, the Board of Health should have insisted in putting them in the provisional orders in question.

Clauses 1 and 2 *agreed to.*

Clause 3 (Salary of the President of the new Board to be 2,000*l.* a year).

MR. HENLEY said, he must object to the amount, as too large; he thought 1,500*l.* sufficient; he would not, however, divide the Committee on the question.

SIR WILLIAM MOLESWORTH said, the President's tenure would not extend beyond that of the existing Government; for which reason the salary was fixed at a larger amount than it otherwise would be. The duties, too, were of a highly responsible nature, and even in that point of view he did not consider 2,000*l.* a year excessive.

SIR GEORGE PECHELL said, he would point out that the salary of the new President greatly exceeded that of a Lord of the Admiralty, who worked exceedingly hard, being engaged morning, noon, and night. He hoped, considering the amount of the salary, that the work would be well done.

MR. HEYWOOD said, he did not consider that the proposed salary was too much, as the duties of his office would occupy the whole time of the new President.

Clause *agreed to*, as were clauses up to Clause 8 inclusive.

Clause 9.

MR. HENLEY said, he doubted whether Mr. Chadwick's length of service had been such that he ought to be laid upon the shelf if anything presented itself upon which he could be employed. Mr. Chadwick had in many respects rendered considerable service, and might again be employed in the public service.

SIR WILLIAM MOLESWORTH said, he fully agreed with the right hon. Gentleman that Mr. Chadwick ought to be employed again in the public service if possible.

Clause *agreed to,* as were the remaining clauses.

House resumed.

Bill *reported,* as amended.

BILLS OF EXCHANGE (No. 2) BILL.

Order for Committee read; House in Committee.

Further progress *resumed* at Clause 4.

Mr. DIGBY SEYMOUR said, he hoped the Bill would not be advanced further; for, looking to its principle and the manner in which it was drawn, it did not reflect any credit on legislation. It was, besides, unnecessary, as it professed to give a more summary process for recovery of sums due on bills of exchange when the process under the existing law was sufficiently rapid. Many of its details were also very objectionable. He objected also to the proposed registry, as well as to the provision which took away the conduct of process under the Bill from attorneys, and vested it entirely in notaries. It also created this anomaly—that whereas the provisions of the Bill affected Ireland and Scotland, as well as England, a person in Scotland or Ireland defending a suit must come to this country for the purpose of doing so, He found that there were sixty-two Amendments by hon. and learned Friends of his, which alone was a proof of the imperfection of the Bill, and was an additional reason why no attempt should be made to pass it this Session. There was another reason for delaying this Bill. It proposed to give a more summary process for execution on bills than now existed; and it was the opinion of several gentlemen, whose opinions were of weight, that it should be accompanied by some measure which dealt with fraudulent transactions in bills of exchange. Such a Bill he had introduced in May last, and, after long delays, it had received a third reading that evening; but, in consequence of the Resolution passed by the other House it had no chance of becoming law this Session. He thought that the two Bills ought to go together, and if one of them was to be cast into the limbo of next Session, the other ought to accompany it. He should, therefore, move that the Chairman do leave the Chair.

Mr. GEACH said, he thought it undesirable that the House should legislate without further inquiry. The operation of this Bill upon the small tradesmen and shopkeepers of the provinces, who might fall into temporary difficulty, would be to drive them into irretrievable bankruptcy. There were abundant means of recovering bills of exchange; there might, he would allow, be vexatious pleas, but they were, he believed, very few. He objected more particularly to the Bill because it gave a great advantage to holders of these bills over every other kind of debt. The effect would be, that it would be impossible that any creditor, with a due regard to his own interest, should show any forbearance, because he would not know whether, if he did not put the law into force, the next creditor who had a bill backed would exercise the same forbearance. He thought the Government ought not to give their aid to a Bill of this kind not introduced by themselves, and ought not to back it up with the majority at their command. He begged, therefore, to support the Motion of the hon. and learned Member for Sunderland (Mr. D. Seymour).

Mr. MASSEY said, he also should support the Motion of the hon. and learned Member for Sunderland. This Bill had a very important effect upon the law of bankruptcy, because it seemed to him that it affected very deeply and very closely the law of fraudulent preference. The main cardinal policy of our bankruptcy law was to effect an equal distribution in the property of the bankrupt among the whole body of his creditors; but if you passed a Bill of this sort, which favoured one species of security, enabling the holder of that security to realise immediately his debt, you induced every powerful creditor to come down upon his debtor, and to insist upon his giving bills. Possessed of these bills, the creditor would immediately realise them; he would seize upon the property of the debtor, and would thus, in point of fact, obtain a fraudulent preference. Now, he thought it was too much to expect the House, at this period of the Session, to consider the provisions of a Bill which went to change the whole bearing of the bankruptcy law of this country, and which would affect persons in almost every condition in life. Without saying, therefore, that it might not be expedient, at some future time, to provide a more summary remedy for the recovery of money upon bills of exchange, he was certainly of opinion that this measure went too far, and that its provisions were too crude to meet with their approval.

Mr. MUNTZ said, he looked upon this as one of the most unjust and oppressive Bills that ever was introduced into that House, and for his part saw but one reason for bringing it forward, which was to create a job. Somebody or other, no doubt, wanted to appoint a registrar. Who wanted this Bill, and who asked for it? There was no difficulty now in recovering upon these bills of exchange, but this measure would make anybody liable in six days to be made a bankrupt if he did not take up his bill. It was one of the grossest jobs ever attempted to be palmed upon the public, and he should certainly, therefore, support the Motion of the hon. and learned Gentleman (Mr. D. Seymour).

SIR ERSKINE PERRY said that, so far from the Bill having been got up in a hole or corner, it had emanated from several influential public meetings held in the greatest seats of commerce in this country—such as London, Leeds, Liverpool, Manchester, and Bradford. These meetings were universally in favour of obtaining a more summary remedy on bills of exchange than at present existed. In consequence of these meetings, the bankers of the City of London formed themselves into a body, and it was from them that the Bill emanated. The measure had passed through as severe an ordeal as it could undergo; it had passed through a Select Committee of the House of Lords, attended by the law lords, who were unanimous in thinking it was a measure which was sound in principle, and which would be a valuable addition to the English law. The Bill merely proposed to effect this—that, whereas by the law of England at present, a person was enabled to set up false defences with regard to bills of exchange which set the creditor at defiance for months, these false defences were now prevented and a summary remedy provided. The object of the Bill was to prevent any debtor, who had got no defence whatever, from interposing any delay between himself and his creditor. Was this a reasonable principle for the Legislature to act upon? The Bill had no doubt met with legal opposition, but he had been occupied with law reforms for many years, and he found that the lawyers were not, as a body, favourable to law reforms. This was certainly not an attorney's Bill, and it would most probably have the effect of diminishing the business of attorneys upon bills of exchange. Was it not a good end to aim at, to enable parties to call in the assistance of a court of law in the most speedy and economical manner possible? The Bill was not the visionary creation of some theorist, but it followed the example of one of the most practical countries in the world—namely, Scotland —where it had worked most beneficially for 150 years. The same summary process was also in operation in every commercial country in Europe. At the same time, if the Committee should think fit to reverse the resolution which was come to by the House the other day, he was prepared to bow to their decision, and kiss the rod with humility.

MR. JAMES MACGREGOR said, he must contend that the practice as to bills of exchange in Scotland was not adapted to the circumstances of this country. The system of banking there was quite different to that here. In Scotland a paper currency prevailed, banking was carried to a great extent, and bills of exchange did not circulate as they did in England. They were absorbed by the banks, which endeavoured to replace them by 1*l.* notes. It was the paper of the banks which passed from hand to hand, and not tradesmen's bills of exchange. The trade of a country like England could not be carried on upon the stringent principles which this Bill laid down. When the great convulsion took place in our commerce with the United States, if a process like that provided in this Bill had been adopted, no one could tell the ruin that would have been produced, or where it would have stopped. The commerce of the country he felt assured did not require such a measure; and if meetings had been held in its favour in different commercial cities, the parties who agreed to it ought to be stated, that they might be known. If the Bill was to be proceeded with, it ought, at all events, to be referred to a Select Committee.

MR. GLYN said, the Bill had not been introduced without the concurrence or knowledge of the mercantile body—indeed, the subject had occupied the attention of the mercantile world for some time past. The principle of the Bill was good, but he could not help thinking that the scope and tendency of it were not sufficiently known, and he should, therefore, recommend the hon. Gentleman who had charge of the Bill to accept the expression of feeling on the part of the Committee as an evidence that suitable legislation at the proper time would meet with proper consideration.

SIR ERSKINE PERRY said, after what had occurred he should be sorry to take up the time of the Committee by proceeding further with the Bill, and therefore with the permission of the Committee he would assent to the Chairman reporting progress, with a view of withdrawing it for the present.

MR. CAIRNS said, he thought that, under the circumstances, the advice of the hon. Member for Kendal (Mr. Glyn) was extremely sound. The Scottish principle of summary execution appeared to him unobjectionable; and he hoped that some time or other it would become law in a carefully considered measure. He would suggest, however, that the question should be taken up by the Government.

MR. HENLEY said, the vice of the Bill was, that it would inflict more inconvenience on trade than was foreseen; as the supporters, keeping but one object in view, lost sight of the inconvenience of issuing executions against every man who did not take up his bills at once. The matter was of much importance, and required great consideration, and though it was said that meetings had been held in favour of the Bill in several great towns, yet it did not appear that much benefit had been derived to the discussion from the circumstance, as several of the representatives of the largest towns were evidently against the Bill. He thought as the measure did not appear to be well understood, it would be by far the wisest course to postpone it.

LORD JOHN RUSSELL said, the mercantile community of the City of London certainly did petition in favour of the Bill, and a great meeting had been held in its favour. The decision to which the hon. Gentleman had come—namely, to postpone the Bill—was the right one. Judging from the opposition likely to arise, both to the principle and some of the details, it did not appear possible that the Bill could go through the House that Session. But he thought the principle of the Bill ought not to be condemned, and he hoped the Chairman would be allowed to report progress, and that would only be postponing the Bill for this Session.

MR. VINCENT SCULLY said, the Bill had been approved of by practical persons in England, and by a Scotch lawyer of eminence, Lord Campbell. It was monstrous that a man entering into a negotiable contract, such as a Bill of exchange, could put another man, to whom he agreed to pay a specific sum of money on a particular day, to the delay of several weeks, even when he had no real defence to set up. He was surprised that any mercantile man could oppose the introduction of the law of summary jurisdiction. He had no doubt had the hon. Member (Sir E. Perry) gone to a division he would have carried his measure two to one. He hoped the hon. Gentleman would introduce a similar Bill next Session, not only for England, but for Ireland.

MR. MURROUGH said, he objected to the Bill because it was uncalled for, and bore the stamp of amateur rather than practical legislation. It had been said that this was not an attorney's Bill; but he doubted it, for as the law now stood, judgment might be got in an undefended action in sixteen days at a trifling expense, whatever might be the amount of the Bill, but this would not be the case if the measure passed. The Bill was not fitted for the meridian of this country, and every practical man knew it would not work.

MR. MALINS said, he also must enter his protest against the Bill, as there was in the law as it now stood abundant means of recovering upon Bills of exchange. He had heard great complaints of the Bill, and had been requested by many commercial traders to oppose it. The remedies were ample, and the Bill was objectionable in principle and in detail. He was glad, therefore, it was disposed of.

House resumed.

Committee report progress; to sit again this day month.

BANKRUPTCY BILL.

Order for Committee read.

House in Committee.

Clause 1.

MR. W. WILLIAMS said, he wished to point out that a great reduction might be made in the present number of Commissioners and Registrars in the Court of Bankruptcy, which was much greater than the amount of business required. There was no reason why there should be five Commissioners in London with salaries of 2,000*l.*, and five Registrars at 1,000*l.* a year. The whole amount of salaries paid in the Court of Bankruptcy was 59,795*l.*; besides this, 21,879*l.* was paid for compensations, 2,600*l.* for annuities, and 6,316*l.* for expenses; making in all 90,590*l.* He thought it would be a great benefit to the country generally, if all these Commissionerships and other offices were abolished, and the business thrown into the county courts. The Judges there were perfectly competent to undertake it, and in most instances their time was not now fully occupied. By this means, too, a saving to the country would be effected of the 50,795*l.* at present paid in salaries in the Court of Bankruptcy.

Mr. GLYN said, the question of throwing the business of the Court of Bankruptcy into the county courts had been carefully considered by the Commission which had lately sat to consider the subject of the bankrupt laws, but the result to which they came was, that the business of the Bankruptcy Court was entirely unsuited for the county courts, and that the proposition could not be advantageously carried out. He admitted that the expenses of the Bankruptcy Courts were very high, and would still remain so even after the present Bill was passed. The present measure did indeed embody several important suggestions which were made by the Commission of last year. It was, however, but a small instalment of what must hereafter be done for the reform of these courts. For instance, it removed many of the obnoxious penal provisions which the present bankrupt law contained, and it gave the Lord Chancellor and Lords Justices power from time to time to introduce regulations with a view to the reduction of the cost of bankruptcy proceedings.

The SOLICITOR GENERAL said, that perhaps it would be satisfactory to the hon. Member for Lambeth (Mr. W. Williams) if he informed him that the present Bill was a mere sectional part of a projected reform in the whole law of bankruptcy. The question was connected with the important inquiry into the best method to be employed for the consolidation of the Statute law.

Mr. W. WILLIAMS said, that the present Bill admitted that there was no necessity for more than one Commissioner in country districts, and he did not understand why five Commissioners and five Registrars should be required for London.

The SOLICITOR GENERAL said, he thought that when a vacancy occurred, that would be the proper time for bringing on the question as to whether or not it should be filled up. It would be unreasonable to expect that any of the learned gentlemen now holding those offices should be deprived of his office because the business of the Court of Chancery had fallen off.

Mr. MURROUGH said, he was of opinion that there never was a greater mistake committed than the appointment of the country Commissioners. It was a notorious fact that the large body of creditors resided in London, or in the large towns, and the greatest inconvenience had been caused to them by the local courts of bankruptcy. To transfer the business in bankruptcy to the county courts would, he thought, be to commit as great an error as was committed when the county Commissioners were appointed.

Mr. W. WILLIAMS said, he thought that some provision ought to be introduced into the Bill to diminish the number of Commissioners and Registrars in London when any vacancy should occur.

Clause *agreed to,* as were also the remaining clauses.

Mr. MURROUGH said, he would now move to insert in the Bill the following words—

> "In order to facilitate the proof of debts, the Lord Chancellor may, by order, appoint one or more of the ushers of the Court of Bankruptcy in London, or any usher of any district Court of Bankruptcy, a Commissioner or Commissioners for the purpose of administering oaths or taking affirmations for the proof of debts in such courts respectively."

He thought it desirable that when the Commissioners were engaged in the despatch of the regular business of the Court, their attention should not be distracted by the necessity of administering in open Court oaths to a number of individuals, who might with great convenience be sworn by one of the ushers.

The SOLICITOR GENERAL said, he thought it important to administer oaths with the greatest possible solemnity, in order to secure respect for them; but to allow a mere servant—for such the usher was—to administer the oaths, would assuredly be regarded as a degradation of the function. There was, however, no necessity for legislation on the subject, as by a recent alteration of the law all solicitors in bankruptcy were made special Commissioners, and could receive affidavits.

Mr. MURROUGH said, that the circumstance of a solicitor being enabled to receive affidavits out of Court did not meet the case he had in view, which was that of a vast number of witnesses appearing in open Court and requiring to be sworn. With regard to the objection that the usher was a mere servant, he looked upon that officer to be no more a servant than the judge's clerk in the superior Courts.

Amendment *negatived.*

House resumed; Bill *reported,* as amended.

The House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS,

Saturday, August 5, 1854.

NEW WRIT—For Aberdeenshire *v.* Vice Admiral Gordon—Chiltern Hundreds.

MINUTES.] PUBLIC BILLS. — 1° Customs Tariff Acts Consolidation.

2° Consolidated Fund.

3° Court of Chancery; National Gallery (No. 2); Usury Laws; Episcopal and Capitular Estates Management.

The House met; and having transacted the Business on the Paper,

House adjourned at half after Two o'Clock till Monday next.

HOUSE OF LORDS,

Monday, August 7, 1854.

MINUTES.] PUBLIC BILLS.—1ª Bills of Exchange (No. 2); Public Health; Russian Government Securities.

2ª Militia (No. 2); Militia (Scotland); Militia (Ireland); Militia Ballots Suspension; Militia Pay.

Reported.—Duchy of Cornwall Office.

3ª Literary and Scientific Institutions; Real Estate Charges; Bribery, &c.; Stamp Duties.

ROYAL ASSENT.—Acknowledgment of Deeds by Married Women; Convict Prisons (Ireland); Indian Appointments, &c. Admiralty Court; Registration of Births, &c. (Scotland); Sale of Beer; Reformatory Schools (Scotland); Court of Chancery; County Palatine of Lancaster; Oxford University.

BILLS OF EXCHANGE (No. 2) BILL—PETITION.

LORD BROUGHAM *presented* a petition, to which he begged the attention of their Lordships, praying their Lordships to take up the consideration of the Bills of Exchange Bill in the early part of next Session. It was from the London Committee of the Merchants associated for the Assimilation and Improvement of the Mercantile Law of England, Scotland, and Ireland. It comprised many of the most eminent houses in the City—men of great ability, varied experience, high honour, and—what they themselves would not place in front of their claims to respect, but which, he must add, of ample wealth. They had attended the great Conference held in November, 1852, of delegates from all the trading towns of the three kingdoms. He had the honour of presiding on the first day; his noble Friend (the Earl of Harrowby) took the chair the day after; and a Commission was afterwards issued, at the desire of the Conference, by his noble Friend opposite (the Earl of Aberdeen), his predecessor (the Earl of Derby) having, at the time of the meeting, expressed his approval of that course.

The first object of the great assemblage referred to, had been the assimilation of the bankrupt and insolvent law; but he believed he might state that there was a general opinion in favour of adopting, from the Scotch law and practice, the process of summary diligence on bills of exchange and promissory notes, the measure for which the present petitioners were so anxious. As their organ, he had presented to their Lordships a Bill to give summary execution on protested bills, and their Lordships had received it most favourably. It passed through all its stages, without a dissentient voice, including that of the Select Committee on the Common Law Procedure Bill, to which it was referred. It had the warm support of his noble and learned Friends the law lords; and, having been introduced before Easter, it was finally passed, and sent down to the other House on the 2nd June; it was read a second time on the 9th, but being delayed from time to time until last Friday, it was then most unfortunately withdrawn, in consequence of some opposition which it encountered. The withdrawing it, he regarded as a great mistake; for, from all he had heard on the subject, he felt confident that the opposition to it would have entirely failed, as it had a few days before, when a great majority voted for this important measure.

The ground on which the opposition first rested was this. Their Lordships were told, "You have adopted a rule that no Bill shall be read after July 25; here is a Bill of ours—of the Commons—which we cannot send up before the 4th of August, and which, therefore, falls within the scope of the prohibitory order. Our Bill cannot pass this year; and, therefore, we will not pass your Bill. That is to say, because the Lords will not pass an important Bill sent up on the 4th of August, and which there is no time whatever given for considering, therefore the Commons will not pass a Bill sent down two months ago, and for considering which ample time had been given. He was very sorry the Commons Bill had come up so late, because he believed it contained a very beneficial change in the criminal law. This he said from a regard to its own merits; but he also greatly respected the authority by which it was sanctioned—his learned and much-esteemed Friend Mr. Baron Alderson was understood to have suggested it. Nevertheless, to pass it without any the least consideration was out of the question; and the print had only been delivered that morning, insomuch that his noble and learned Friend the Chief Justice was not aware, he believed, of its existence till he told him of it half an hour ago, and certainly had not even seen it. To pass suddenly, and without the least deliberation, a Bill creating some half-dozen new misdemeanors—he might say, felonies, for the punishment was imprisonment with hard labour—was manifestly impossible. Yet, because we refused to do this, the Commons, influenced by sticklers for their privileges, refused to pass a Bill which they had been discussing for two months and more.

It was further opposed by another class of persons, who had found champions in that House—persons who, having signed their names as acceptors, or drawers, or indorsers, having thus made themselves debtors under their own hands, and received value in consequence, had rather not pay the debt contracted—preferred escaping from the liability which they had incurred. On behalf of this very honest and respectable class it was said, "How cruel to compel them to pay. When a man has signed a promise to pay in three months, and has received the value of his promise, how hard that he should be obliged to pay at the day. Why should not the poor man be allowed three or four months longer, with all the chances of the law? Why not let him, instead of paying his creditor, defy him in a court of law, and delay payment till the suit is ended?" This is the law which the advocates of these worthy persons conceive to be just. It is neither the law of justice, nor of common honesty; and it is the law of England alone.

In all other trading countries the law of honesty prevails—the law which compels men to pay at the day they have voluntarily, and under their own hands bound themselves to pay, and not at some uncertain time which may suit their own convenience. That law of common honesty has been established in Scotland for one hundred and seventy years, during which period the growth of its commercial towns, of Glasgow especially, has been rapid beyond all example.

The same law of summary execution prevails in France, in the Netherlands, in Holland, where, indeed, it is more stringent still—in all trading countries except those subject to English law—and even in this country it was the law of old. The process, six centuries ago, under statutes merchant and statutes staple, was exactly the summary diligence now desired, by which the debtor's person, land, and goods were answerable, without any action; and this, in all cases of debt acknowledged. Had bills of exchange, therefore, existed in Edward the First's time, to them this summary execution would of course have been applied.

Another class of objectors had also joined these advocates of the dishonest debtors—he meant those worthy but somewhat speculative reasoners who laboured under what might be termed a delusion on the subject of currency. He referred to what was termed the "Birmingham school," whose doctrines were, that what ever tends to restrict the amount of the currency, is an unmixed evil. Those doctors hold that the greater the bulk of the currency, so much the better; and, so the quantity be unrestricted, the quality is not material. Hence, as the summary execution—the making all paper really payable at the day—might lessen the amount in circulation, though it would greatly increase its value—these doctors abhor the proposed assimilation of our mercantile law. "What signifies," say they, "these bills being only made payable by means of an action at law, and being, therefore, of so much the less value? That is nothing; their number—the mass of them—is the great object; and so that this be large, their inferior value signifies little."

These currency men, however, have found out a new and somewhat unexpected objection to the measure. It did not originate, we are told, in any desire to improve our jurisprudence—any wish to assimilate the law of England to that of all other countries. No such thing. It is all a mere job. One of them, a most excellent person, wholly incapable of deceit, but practised upon by some dishonest party quite capable of such things, has not scrupled to denounce the whole as originating in corrupt design—"There can be but one reason for bringing it forward; somebody or other wanted to appoint a registrar. Who wants the Bill? Who asked for it?"

I have shown your Lordships (said Lord Brougham) who it is that asks for the Bill. These petitioners representing the 309 leading firms in the City, of perhaps

1,000 partners, whose petition for the Bill was a few days ago presented to the other House by my noble Friend and kinsman their representative—they ask for the Bill—they anxiously pray that this important measure may be sanctioned by Parliament. But, say the currency doctors, "it is one of the grossest jobs ever attempted to be palmed upon the public." That is, the Bill was contrived and presented, and carried through this House, with the design and for the purpose not of amending the mercantile law, and giving honest creditors an effectual remedy against dishonest debtors, but merely to create the office of registrar, that some favoured person might be appointed to hold it.

What if all this ingenious notion is a mere fancy? What if it is as unreal as it is far-fetched? What if it has not even the shadow of foundation? What if it be a pure fiction, a mere imagination? What if it is utterly, and from beginning to end, false! What if it be not only untrue, but utterly and absolutely impossible—to have not only no foundation, not the shadow of foundation, but to be perfectly impossible to have any? The Bill was presented without one single word about a registrar in it, from beginning to end, or of any office whatever to be created. The registration of protests was given to the masters of the three Courts—Queen's Bench, Common Pleas, and Exchequer, to be named by the Judges of these Courts. In this shape it was presented to your Lordships, in this shape it was proposed by me, with a statement that the masters and no other officer were to register the protests. In this shape, you gave it a second reading, and referred it to the Select Committee; and it was only there that the registrar was ever thought of, and was inserted on the suggestion which had been made by mercantile men in the City, and approved by the society of notaries, and accorded with the practice in Scotland—a most fit, and, indeed, absolutely necessary suggestion, because it was found that the masters of the courts never could do the business, a separate office being required which should be open at all hours, from early in the day to late in the evening, and under the direction of some one wholly devoted to the duty. It was, moreover, essential that this office should be in the City; and the experience of Scotland, which was cited to us, amply proved that nothing could be more erroneous than the plan orignally adopted of the masters, the only plan that ever had entered into the head of those who framed the Bill. Those considerations were decisive with the Select Committee, which at once struck out the provision giving the registration to the officers of the courts, and substituted the appointment of a registrar.

It has been my fortune at different times to propound various measures for the improvement of our jurisprudence: I grieve to say that I have had to encounter opposition in many powerful quarters—to conflict with adversaries, and sustain attacks of very different kinds, in common with my able and learned colleagues in the labour of law-amendment. Sometimes we have been charged with doing too little, and proceeding too slowly—sometimes with moving too rapidly, and attempting too much. Now we are complained of, as wanting in zeal, or in firmness, or in boldness—we are termed moderate, and temporising, and even mock reformers. Now we are held up as objects rather of alarm than of contempt—as rash innovators—as holding no existing institution sacred—as carrying devastation over the established law, like some eruption sweeping and laying waste its whole domain—or the volcano may at times be imagined to slumber, and only give out noise and smoke. To all such obloquy we have long been accustomed and inured; and we can only meet it by gratefully avowing that having, through the Divine blessing, been permitted to render such service as we could—given such furtherance as we might to the great cause of improvement—we shall persevere in the same course while the same Providence shall allow us, steadily refusing either to slacken or to quicken our pace, and firmly resolved neither to leave untried what is safe and right, nor to attempt what is in doubt and exposed to hazard.

But among all the charges we have had to meet, among all the imputations that have been launched against us, till now we never had conceived that any adversaries could be so misguided as to question the purity of our motives—so wild as to suspect the great mercantile community of London, as well as the lawyers their coadjutors, of being engaged in a conspiracy to perpetrate a disgraceful job. It seems hardly possible to believe that such a foul calumny could be uttered in a place where, less than a week before, the prayer had been preferred by all the first merchants and bankers of the country in behalf of this great measure, this true amendment of the law, grounded on the most approved principles, and recommended by the universal experience of the commercial world. For such base imputations we cannot possibly feel anything but the most sovereign contempt. Nor will they either cause us to abate our speed or to quicken it, or make us deviate by a hair's breadth from our course—our course appointed and selected—selected under Providence for our labours. Why should we be for an instant affected by such charges? Why, above all, should those whom on this occasion I represent, care for the calumnies vented against them? *Falsus honor juvat*—I crave pardon for addressing its authors in unknown tongues; let them hear it in literal though less poetical words—

> False honour charms, and lying slander scares
> Whom but the false and faulty?

These petitioners belong to neither class, and may well afford to disregard it.

Lord CAMPBELL said, he should content himself with deploring the fate of the measure in question, and considered it hardly necessary for the noble and learned Lord to have referred to the charges he had mentioned, wherever they were made, for, in his opinion, they might have been treated very safely with silent contempt. The fate of this Bill, however, was very disheartening to Members of their Lordships' House, who were continually striving to improve the law in a rational manner. He would not allude to the class which had been termed "currency doctors," or to any other class of the community who stood in the way of improvement; but experience had taught them that the obstacles thrown in the way were really appalling. There could be no doubt that it was of immense importance that the commercial law of the three portions of the United Kingdom should be assimilated, and such an assimilation would introduce reforms which might lead to the most important commercial advantages. He was, perhaps, as competent to speak on this point as any of their Lordships, as he had the honour of presiding in Her Majesty's Court of Queen's Bench, where a great many causes were tried, and he assured the House that in very many the money of the creditor was wasted by the fraudulent debtor in litigation. Frequently the acceptor of a bill of exchange, who, having had value received, and having failed to pay at the end of the period, had an action brought against him, set up a number of fraudulent and unfounded defences, and when the day of trial came no real justification was attempted. At one single sitting of his court, at Guildhall, within the last four weeks, there were no less than sixteen actions on bills of exchange, in which the defendants did not attempt to set up the shadow of a shade of defence. He saw no reason, therefore, why they should not do as they did in Scotland, and in every other commercial country, and, indeed, in the time of Edward I. in this country, and give a power of execution on every overdue Bill. He trusted that another Session of Parliament would be more auspicious than the present, which, however, he trusted would witness the passing of that very important measure of legal reform—the Common Law Procedure Bill, although he could not think it safe until he saw it back again in their Lordships' House.

The LORD CHANCELLOR entirely concurred with his noble and learned Friend in deploring the fate of this Bill. He could assure the noble and learned Lord who introduced it that Her Majesty's Government had given it all the support in their power, and he hoped it would be reintroduced and become law in the early part of next Session. With respect to the Common Law Procedure Bill, he trusted it would come up from the other House tomorrow, after the third reading, so that it might become law this present year.

Lord BROUGHAM said, that nothing could give greater comfort, both to himself and the petitioners whom he represented, than what had fallen from both his noble and learned Friends. He should now present the Bill with such amendments as had been suggested and approved by the authors of it since it left their Lordships' House, that it might be circulated during the recess. It had been said elsewhere that the measure was not sufficiently known in the country. This assertion was extremely incorrect. It had been the subject of great discussion in all the trading towns, in several of which meetings had been held and resolutions adopted in its favour. But it would be advisable to have it circulated again with the changes which had been introduced both in this House and since it went to the Commons. And he moved to have it read a first time.

Petition ordered to lie on the table.

Lord BROUGHAM then *presented* a

Bill to permit the Registration of dishonoured Bills of Exchange and Promissory Notes in England, and to allow Execution thereon.

Bill read 1ª.

THE COMMON LAW PROCEDURE BILL—QUESTION.

Lord CAMPBELL inquired what course it was intended to take in reference to the Common Law Procedure Bill?

The LORD CHANCELLOR said, that the Common Law Procedure Bill, which was now before the House of Commons, contained clauses which gave to the courts of common law the power to deal with and decide the whole dispute between parties, so that it might not, as was the case at present, be requisite to apply to Courts of Equity with respect to some parts which might not come under the jurisdiction of the courts of law. After that Bill had passed the House of Lords, the Commission now occupied with the reform of Chancery Procedure suggested that there ought to be a converse measure, and that clauses should be introduced into it for the purpose of giving the Courts of Chancery also the power of deciding on the whole of every question brought before them. It was thought desirable that they should have the power to summon juries to decide questions of fact and to assess damages without calling in the assistance of a court of law. He (the Lord Chancellor), however, thought that it would not be germane to the subject-matter of the Common Law Procedure Bill to introduce such clauses as these into it; and, accordingly, the Solicitor General introduced the Chancery Amendment Bill to carry out this object, which, however, must contain many more provisions to enable it to work. Without professing to be too much enamoured of the system of juries, yet when there was an issue which required damages to be assessed, he did not feel persuaded that a Judge of a court of equity was the most competent person to assess the damages. To manage this matter well it seemed that they must leave the trial by jury where it now was, and let issues be directed, or they must provide means to enable the Court of Equity to summon juries, and try issues there. As, however, the matter could not be proceeded with this Session, he wished not to commit himself by saying whether it was the fittest that the Court of Chancery should have the power to summon juries, or that matters should be left to be decided, as at present, by issues directed to the Common Law Courts. He did not say that he might not come to be of opinion that it was right to give power to the Court of Chancery to summon juries, but he wished at present to leave the matter open. In answer to the question of his noble and learned Friend, he must say that he had no power to bring forward the Bill unless their Lordships suspended their Resolution upon the ground that the matter of this Bill was of recent occurrence and urgency, within the exception of the Resolution. But to propose this would not be acting in fairness to the Resolution which their Lordships had come to in the month of May last. He trusted, however, that in a new Session of Parliament some measure would be introduced, either the same Bill as had been already introduced, or some more general measure, as to inquiring into matters of fact in the Court of Chancery.

BRIBERY, &c., BILL.

Bill Read 3ª (according to Order), with the Amendments.

The Marquess of CLANRICARDE said, he wished to propose an Amendment, the effect of which was to disallow the payment of travelling expenses to voters. He felt that it was desirable to make this Bill as perfect as possible, for if the measures which it contemplated failed, we should have to come to the ballot, since, to whatever objections that method of voting might be liable, there was reason to believe that it would be in some degree effectual in putting down undue influence, if not bribery. He objected to this clause, because it was evident that so long as any payments were allowed to be made to voters, a door was left open to corrupt practices; nor was there any way in which such an opening could be more effectually left than by permitting the payment of travelling expenses, which frequently amounted to an enormous sum at contested elections, and usually figured as the greatest part of the expenses of a contested election. It was a kind of expenditure over which no check could be exercised, because there was obviously nothing to prevent a voter's representing himself to have come from a much greater distance than he actually did, or representing himself to have adopted a much more expensive mode of travelling than was in fact the case, and thus obtaining an additional sum beyond his actual expenditure, which was, in fact, a bribe. Since he had give notice of his Amendment, he had indee been told that it had been considered b the House of Commons, and rejected by majority of two to one. He thought, however, that they had already shown sufficient deference to the other House by entertaining this Bill, notwithstanding their Resolution of the 2nd of May, and that they need not, therefore, feel any delicacy in adopting this Amendment. Then it was said that they must either open a door to corruption by adopting this Amendment, or disfranchise voters by rejecting it. Well, if that was so, he did not hesitate to say that he thought the latter the preferable alternative. The argument against the disallowance of travelling expenses, founded upon its anticipated effect of disfranchising voters, could indeed have no force except against the supporters of universal suffrage. For it was once said that a man must have a certain property qualification in order to have a vote; he did not see how any difficulty could be felt in saying that he must also have sufficient property to come to the poll. He meant, of course, from a reasonable distance; because if there were not sufficient polling places in the county, so that every voter might be within a moderate distance of some one of them, more must be provided; and, in fact, there could be no doubt if this Amendment were agreed to, it would be necessary to do this in many counties in Ireland. The Legislature could never put down bribery so long as the payment of the travelling expenses of voters was allowed. They had been told the other evening by a noble and learned Lord that the law was decidedly against the payment of any such expenses, and he had no doubt whatever that that was the law. The House of Commons, however, who were bound to administer the law, did not in practice interpret it in that light; and as Parliament seemed to be sincerely desirous of putting down bribery, it was only fitting that what constituted bribery should be placed beyond doubt. He begged to move an Amendment on the 23rd clause, which would make the clause run as follows—

> "That after the passing of this Act it shall not be lawful for any candidate or other person to pay, or cause to be paid, the expenses of bringing any voter to the poll."

Lord REDESDALE objected upon several grounds to the Amendment proposed by the noble Marquess. He thought their Lordships ought to object as strongly to the introduction of important Amendments into questions deliberately decided by the House of Commons as they ought to undertaking the consideration of such important Amendments at that period of the Session. In fairness and justice to the other House, it was impossible not to refer to the fact, that in Committee, upon the report, and upon the third reading of the Bill, this clause had been affirmed by majorities exceeding two to one, and upon each occasion it had been supported by the Government. Even a proposition to allow travelling expenses only to such voters as came from a greater distance than a mile and a half from the poll was rejected without a division. With regard to the payment of travelling expenses itself, he was of opinion that if no more than the travelling expenses were paid, then it was not bribery, inasmuch as the voter gained nothing by having his travelling expenses paid. The objection which had been urged by the noble Marquess, that more than the expenses of travelling would be paid, would be removed by the provision made in the Bill for the appointment of an election auditor, through whose hands the expenses would be paid. If it had been asserted that a proposal was to be made to set aside a decision of the House of Commons, several times affirmed by large majorities, and to send down the Bill, as amended, to be considered in the other House in the last days of the Session, he did not believe that their Lordships would have thought it reasonable or courteous to the House of Commons to have suspended the Standing Orders in order to enable them to take the Bill into consideration. He was certainly of opinion that, if this clause were omitted, an undue advantage would be given to voters in towns over those residing some distance from the place of polling, and, under the circumstances, he thought it expedient to adhere to the decision come to by the House of Commons.

The Duke of NEWCASTLE said, that he was glad his noble Friend had become a convert to the opinions which he (the Duke of Newcastle) had expressed the other night. As to the Amendment of the noble Marquess, he entirely concurred in the opinion that when they were dealing with bribery and every other kind of illegitimate expense, it was most desirable that they should put an end to that very heavy item in election expenses which had hitherto gone under the name of "travelling expenses;" and if he were obliged to give a vote, "aye" or "no," on the question that had been raised by the noble Marquess, he would unquestionably vote with him that travelling expenses should be made, like the expenses for refreshments, illegal for the future. At the same time he readily admitted that there was a good deal to be said in regard to the particular moment at which they were debating this question as affecting the decisions of the House of Commons; and consistently with the views which he had advocated on Monday last, although individually he approved of the Amendment of the noble Marquess, he did not think it would be expedient to adopt it on the present occasion. He came to that conclusion—he would not say the more readily—but with the less reluctance—on account of the temporary nature of the Act as it now stood. He had already said he approved of the spirit of the Amendment, but he could not approve undoubtedly of the exact form of the Amendment of his noble Friend, even if he felt at liberty to vote with him; for this reason, he did not think his noble Friend had proceeded in the best way to accomplish his own object. He doubted if the adoption of the Amendment, as it was now worded, would not create greater difficulties than exist at the present moment, and render it exceedingly uncertain what they meant; for instance, he thought the insertion of the word "not" would render it uncertain, whether if a man residing in a village, and being obliged to hire a fly to go to the poll, should ask a neighbour to take a seat in the fly with him, he would not come under the terms of the Act, and be indictable for a breach of the law for taking his neighbour in the fly he had hired, though he would be at liberty to take him in his own gig if he had one. The noble Marquess seemed hardly to have looked at his Amendment in this point of view, and the difficulty which suggested itself showed that the question was one which required more consideration than had been given to it. Undoubtedly, as his noble Friend opposite had stated, the clause had been affirmed on two or three occasions in the other House by large majorities; and looking to the advanced period of the Session, and to the certainty that when the Bill should be sent back to the other House there would be only a portion of those Members present who had voted "aye" or "no" on the question, it was undesirable, within a few days of the close of the Session, to add any new provision, or to alter any provision of the House of Commons, and completely, as was proposed, to reverse the decision deliberately adopted by the other House. He should, he repeated, adopt the course he thought it necessary to take with greater reluctance, were it not that the temporary nature of the Bill ensured its revision at an early day, when he hoped a clause would be introduced in future specifically making travelling expenses illegal. Nevertheless, he was not prepared to show unlimited deference to the House of Commons, by accepting the clause in its present shape, because he considered there was a wide difference between reversing a decision of the House of Commons, and leaving the law as it was at present. One of the good features of the Bill was, that it defined what hitherto had been left undefined in many respects, and had settled by an Act of the Legislature those questions which had been so much disputed before Committees of the House of Commons, and had led to such expensive and unnecessary litigation. As the least evil of three courses, the course he was about to propose he thought ought to be acceptable to their Lordships, and ought not to be objected to by the House of Commons. If his noble Friend's Amendment should be negatived or withdrawn, he (the Duke of Newcastle) would propose that this clause should be omitted, that they should leave the law as it at present stands, and leave this question to be decided, when the subject, in the course of two years, should be brought forward for the reinvestigation of the Legislature. He should like to have met the Amendment of his noble Friend with another form of words, but looking to the circumstances under which the measure came from the other House, and the way in which the clause had been introduced after three divisions in the House of Commons, he hoped their Lordships would agree with him that the course he proposed was the preferable course, and that the clause should be omitted altogether.

Lord CAMPBELL said, he should not have agreed to the suspension of the Standing Orders if he had thought that they were not to be at liberty to examine and consider the different clauses of the Bill. It would be most injurious to pass this clause in its present condition, and, though he would not give any opinion himself as to whether the payment of travelling expenses was bribery or not, he might observe that it had been decided to be bribery by no less an authority than Lord Mansfield, and that that decision had never been reversed by any court of law. If the clause were agreed to, it might admit of universal bribery, and those enormous evils would be called into existence which were experienced before the passing of the Reform Bill—namely, of bringing up to the poll non-resident voters from distant parts of the kingdom, and even from distant parts of Europe. For his own part, he doubted whether, under the construction of this Bill, travelling expenses would come at all under the cognisance of the election officer, and he was quite at a loss to imagine how, if their Lordships agreed to this clause, they could separate from the travelling expenses the refreshments provided upon the journey. He would, however, suggest to the noble Marquess the propriety of withdrawing his Amendment, and agreeing to that of the noble Duke.

The Earl of STRADBROKE observed that, though he would not interpose to prevent the passing of a measure which had been maturely considered by the House of Commons, he certainly thought there were some parts of it which required amendment.

Lord REDESDALE begged again to call attention to the fact that this clause had been supported by the Cabinet Ministers in the House of Commons, though it was now proposed by another Cabinet Minister that it should be omitted. He desired to know whether he would receive on a division the support of the other Cabinet Ministers in their Lordships' House, and whether it was their intention to support the decision of their colleagues in the House of Commons.

Lord BROUGHAM expressed his concurrence in the observations of his noble and learned Friend (Lord Campbell), and for the reasons stated by him. He wished the Bill to pass, but he should be alarmed at sending it down with any considerable alterations to another place, where, it should be recollected, it had been carried by a narrow majority on the third reading.

Amendment *negatived.*

On Question "That the Clause stand part of the Bill," their Lordships *divided:*—Content 4; Not Content 30: Majority 26.

Bill *passed,* and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 7, 1854.

Minutes.] Public Bills.—2° Customs Tariff Acts Consolidation.

Reported—Consolidated Fund; Incumbered Estates (West Indies); Legislative Council (Canada).

3° Public Health; Mayo County Advances.

INCUMBERED ESTATES (WEST INDIES) BILL.

Order for Committee read.

Sir JOHN PAKINGTON said, he would take that occasion to call the attention of the House to that portion of the West Indian incumbrances which had arisen from the loan which had been granted in the year 1832, in consequence of the destruction of property in those islands, which had been caused by the hurricanes which had prevailed there in 1831. Previous to the Act authorising the hurricane loan, a loan had been also granted to some of the proprietors in Jamaica in consequence of the injury they sustained from the violence which took place during the rebellion. The loan, which was extended to the West Indies in consequence of the hurricane, had been standing from that time to this; and lately the Government had been pressing for the repayment of the whole. In a return moved for by the right hon. Member for Coventry (Mr. Ellice) in respect of that loan, he had to complain that a sum of between 200,000*l.* and 300,000*l.* had been included which was not lent to the proprietors or any other persons, but in the shape of public loans to the islands. From that return, however, it would appear that the aggregate sum originally lent to individuals in the islands was 713,000*l.*, and that 465,000*l.* now remained outstanding, the Government having received up to this time as interest very nearly 300,000*l.*, exclusive of interest on loans to the islands. Now, in a letter which had been written last February by the Secretary of the Treasury a refusal was given to enter into a compromise, which the inhabitants of the West Indies had requested, and the hon. Gentleman had then proceeded to state that the Lords Commissioners of the Treasury were prepared to proceed, in virtue of the Act 8 & 9 *Vict.* c. 50, to accept a composition in lieu of the loan equivalent to the present value of the property in St. Vincent, in all those cases in which it could be satisfactorily proved to the Loan Commissioners that the value of each estate, if offered for sale, should seem to be less than the amount now due for principal and interest upon the loan. [MR. WILSON: Hear, hear.] The hon. Gentleman cheered that statement, but he (Sir John Pakington) should like to ask whether the Chancellor of the Exchequer, acting upon principles of common charity, was prepared to be guided by the passage which he had just quoted to the House—a passage which, in fact, amounted to a declaration, that in all those cases in which the value of an estate had sunk below the amount which had been lent, the Government, by way of doing a favour to the West Indians, were prepared to accept a sum of money equivalent to the present value of the estate? Why, that was in effect to say that they were resolved to confiscate the remaining property of those West Indian proprietors. Indeed, with the exception of the case of Shylock and the pound of flesh, he could remember nothing so cruel as that climax to our legislation, in reference to our West Indian Colonies, which the passage of the letter of the Secretary to the Treasury which he had alluded to announced it to be the intention of the Government to carry into execution. In the island of St. Vincent there were twenty-three estates which were really worth a sum of 36,000*l.* less than the sum in which they were indebted, in consequence of the loan. Now, if the Government were determined to confiscate those estates, the result would be that out of those twenty-three estates no less than eighteen would be altogether confiscated. He believed matters would be in quite as unfavourable a position in the island of St. Lucia. With respect to seven estates which had been sold in the island of St. Vincent, he should state that the actual selling price of the estates was 90 per cent less than it was at the period at which the Hurricane Loan was first made. And while such as he had been describing was the state of things in the West Indies, the whole course of the legislation of this country in respect to those Colonies had, instead of tending to promote their prosperity, tended directly to reduce them to a state, he might almost say, of absolute ruin. Upon the other hand, the paltry amount of the loan which remained uncancelled was more than compensated for by the advantages which had resulted from the reduction of the price of sugar—a reduction which had been effected by doing considerable injury to the West Indian proprietors. Upwards of 300,000*l.* had been gained by this country by the reduction to which he referred, and the proprietors of the estates in question had suggested to the Government that the debt should be lowered in the same ratio as their estates had, in consequence of recent legislation, been diminished in value. Now, he thought that a fair proposition, though he would admit that there might be some difficulty in the way of carrying that suggestion into effect in some of the islands; but still it seemed to him to be one which was perfectly equitable. A remission of 1,000,000*l.* had been made last year in the case of Ireland, and in his opinion the claims of Ireland to be the object of that act of generosity upon the part of the Government were scarcely so strong as that which the West Indian proprietors could urge. He trusted, therefore, that the Government would meet the question in a fair and generous spirit, and that they would not act upon the letter of the hon. Gentleman the Secretary for the Treasury, which advocated the resort to measures which would be found to amount to an actual confiscation of property in the West Indies.

MR. J. WILSON said, he could not say he thought the right hon. Gentleman had taken a wise or a prudent course in bringing this matter before the House at the present time, for all the effect it could have would be to create hopes which must necessarily be disappointed among the parties who had obtained these loans. Already the uncertainty in which the West India proprietors had been kept as to the intentions of the Government had been very prejudicial to the improvement of their estates. These loans had been borrowed under the Act of the 2 & 3 *Will.* IV., in the year 1832 or 1833. By the terms of that Act these loans were to be repaid in ten years, but before that period expired Parliament extended the term for ten years further. Not satisfied with that lenient treatment, in 1848 that House passed an Act whereby the annual payments during these last ten years were extended for a further period of five years. This term expired in August last. It then became the imperative duty of the Government to determine in one way or another what should be done with regard to these loans. It was quite obvious that, if the question had been still left open, not only would the existing proprietors have been unable to obtain any credit upon their estates, but that the interest of individuals would be rather to allow these estates to deteriorate than to be improved. The Government, indeed, had been distinctly informed that this was the direct result which ensued from the want of a settlement in this matter. The duty of the Government, then, in order that these islands might be restored to some measure of prosperity, was by some means or other to bring all these claims to as early a conclusion as possible. They had found that it was impossible to apply a common rule to all cases. The principle adopted by the Government had, however, been this—that if a person could show that he was prepared to pay as much as the Government would be able, through an expensive and what might be called a harsh mode of treatment, ultimately to obtain, then they would feel justified in accepting this sum of money, considerably less than the actual value of the estate, but not smaller than the amount which the estate would bring to the Government if they foreclosed their mortgage. He thought this was a very just and fair principle to act upon, and one which would be thought satisfactory by the public. The general principle they had laid down, and which the Exchequer Loan Commissioners had communicated to the parties, was, that they were empowered to extend to 1859, and no longer, the payment of these loans, and meanwhile they were prepared to receive applications for compounding and settling them in any way most convenient to the proprietors. The fair and liberal spirit in which any such propositions would be received might be judged of from the fact that, since last year, in Jamaica, out of fifty-six estates the Exchequer Loan Commissioners had succeeded in bringing into a fair way of settlement, by sale or by payment, no less than forty-one. One fact which ought to be known by the House was, that persons had been speculating upon the ruin of others in the West Indies, in order to get the Government to give up their claims. Would the Government be justified in throwing away the public money in any such way? All he could say was, that where an original *bonâ fide* debtor and owner of the estate made a proposition to the Exchequer Loan Commissioners, such a proposition would be received with every desire to settle the claim in the most liberal spirit. He hoped, therefore, the right hon. Gentleman would be satisfied to leave the matter in the hands of the Government, with an assurance that, while they would endeavour to do their duty to the public, yet that where there was a *bonâ fide* disposition to settle the matter on the part of the proprietors, and no disposition to speculate, the Exchequer Loan Commissioners would receive any such applications with every possible desire to meet them fairly and liberally.

Sir JOHN PAKINGTON said, the hon. Gentleman had alluded to a case in which the sale of an estate had been made matter of speculation with reference to the claims of the Government. The statement of the hon. Member referred, he supposed, to the sale of an estate in the island of St. Lucia. If so, he (Sir J. Pakington) could give a satisfactory explanation of the matter.

Mr. ELLICE said, that after the statement of the hon. Gentleman the Secretary to the Treasury, he must say that the manner in which the right hon. Gentleman opposite (Sir J. Pakington) had characterised the whole of the proceedings on the part of the Government appeared to him exceedingly just. The hon. Member (Mr. Wilson) said that, if the West India proprietors would pay as much of their debts as the Treasury could by any process exact from these estates, Government would listen to any applications which might be made to them. Now, he agreed with the right hon. Gentleman (Sir J. Pakington), that this was a petty, oppressive, and vexatious proceeding. He concurred with the hon. Gentleman in thinking that it was worse than useless to have the sword suspended any longer over the heads of these unfortunate debtors, and that the matter should be settled now, once and for all; but the case of these poor West India proprietors was a very hard one, and had met with very little sympathy either from that House, from the Government, or, he feared, from the public at large. A highly vicious system of artificial prosperity had been founded in the West Indies, and founded upon the worst principles—slavery and protection. We had taken suddenly away the basis upon which the whole fabric rested; the fabric had fallen, and irretrievably fallen; and while this was going on, instead of taking to ourselves the blame of the system from which all these miserable consequences had issued, we scolded the victims, treating them in the manner now proposed by the hon. Secretary to the Treasury; and their case altogether had met with about as little consideration as it was possible to conceive. When free-trade principles were for the first time brought into practice, losses were sustained by particular interests, but they had by the present time been, he believed, almost forgotten; but, in the West India Islands, when it was determined to introduce better principles of law, the complication and difficulties which existed under the old system not only continued, but appeared likely to become perpetual. The Bill now before the House appeared to him to be likely to put an end to one difficulty. The House would consider that West India property had been hampered by all the restrictions by which landed property in this country had been hampered. There existed the heir at law, the creation of trusts, and, in fact, every complication which had existed with regard to landed property in this country; and now, at last, a Bill was introduced into Parliament to enable various parties to obtain new titles to their estates, and so, he hoped, to come to some settlement of the difficulties which existed in those islands. With regard to the money which had been lent to proprietors of estates in those islands, it had been lent at a time when there was a prospect of it being repaid by the estates, but now it was not at all probable that any great portion of the money which was due to the public would ever be received from them. The whole subject was one which, in his opinion, it would have been desirable to refer to a Committee of that House, in order that it might meet with the fullest inquiry as to the circumstances under which these loans were advanced, the circumstances which have affected West India property, and the prospect there was of those loans being eventually repaid. The Report of such a Committee should not be confined to any particular cases, but generally as to the most fitting method of dealing in a fair and liberal manner with the whole subject. By the course which had been pursued, it appeared to him that the Loan Commissioners might think fit to draw a distinction between different districts, and he could conceive nothing more likely to lead to dissatisfaction, and nothing less likely to secure the object which the hon. Gentleman had in view—of obtaining as much as could be obtained fairly for the public. The subject was not one which, in his opinion, ought to be dealt with by the Treasury, as it came within the legitimate functions of the Secretary of State for the Colonies; and he appealed to his right hon. Friend (Sir G. Grey) to consider the subject, and to see if some general measure could not be applied to remedy the difficulties which existed.

Sir GEORGE GREY said, he did not wish to shrink from any responsibility that fairly attached to the office which he had the honour to hold. But his right hon. Friend (Mr. Ellice) must be aware that the duty of collecting the debts in that case had already been imposed by law on the Exchequer Loan Commissioners, subject to the general control and superintendence of the Treasury. Under the present law, all that he could do was that which had actually been done by himself and his predecessors in office—namely, to collect from the West Indies, through the medium of Government influence, all the information with respect to the financial and social condition of those colonies which might be necessary for the guidance of the Exchequer Loan Commissioners and of the Treasury, in the course of their labours. In common with his right hon. Friend he felt deep sympathy for the proprietors of West India estates. But his right hon. Friend should remember that the distress of which those proprietors complained had not been created of late years, and was not to be attributed to recent legislation, but that it dated back to a period preceding the Emancipation Act, and that in many instances it had had its origin at an epoch anterior to the lifetime of many of those whom he had the honour of then addressing. His right hon. Friend seemed to think that some general rule ought to be adopted applicable to the whole of those cases. But it appeared to him (Sir G. Grey) that it would be extremely undesirable to attempt to apply any general rule to cases which differed so much in their particular features. The rule which, as he understood, had been adopted by the Treasury, and which he considered was a just and reasonable one, was, that each individual case should be considered on its own merits; and that when a proprietor made a fair proposal for the settlement of his debt, the Treasury should have power to accept that proposal, and to leave such a proprietor the means of continuing to cultivate his estate. At the same time, however, the interest of the taxpayers in this country should not be overlooked, and the Treasury would have no right to throw away the public money in cases in which it could be recovered without any undue severity to individuals. It should also be borne in mind that that was a debt to which the nominal proprietors of the estates were not the parties who were in reality liable; and that if the Government were to forego the whole of those claims, they would be conferring a favour, not on the West India proprietors, but on mortgagees and consignees in this country. He thought that what the Government ought to do was, not to insist on its strict rights in that case, but to exercise a sound discretion in endeavouring to obtain the repayment of as large a portion of that money as could be obtained without unduly pressing on individuals or on the Colonies generally. He believed that the Bill now under consideration would do more than any other which had ever been submitted to Parliament to raise the value of that property, and to facilitate its sale at a higher price than it could otherwise command; and, on the whole, he felt that the measure was one most conducive to the real interests of the owners of West India property. He regretted that Parliament had not then before them all the papers, which would enable them to arrive at a full and decided conclusion upon the merits of that question and upon the course which had been pursued by the Government; but he trusted that they would be put in possession of those papers at an early period of the next Session. In conclusion, he should enter his protest against the supposition that the conduct of the Exchequer Loan Commissioners had been characterised by any persecution of individuals. He had reason to believe, on the contrary, that that conduct had been marked by forbearance and moderation.

Mr. THOMSON HANKEY said, that representing, to a certain extent, the West India interest in that House, he felt that they were much indebted to the right hon. Gentleman opposite (Sir J. Pakington) for having directed their attention to that important subject, because, if for no other reason, the right hon. Gentleman had elicited from the right hon. Baronet the Secretary for the Colonies a statement of a character much more encouraging to the West India proprietors than the language which had previously emanated from the hon. Secretary to the Treasury. Those proprietors had certainly been given to understand by the Treasury, that the claims were to be pressed with far greater severity than appeared to be contemplated by the right hon. Baronet the Secretary for the Colonies. He believed that the pressing of the sale of West India estates at the present moment would be equivalent to their complete confiscation. The value of the property of the West India proprietors had of late years been almost annihilated; but some of those proprietors were still resolutely struggling against their difficulties, and it would surely not be desirable that the Government should at present adopt measures of severity which would complete the ruin of those men. In his opinion, Her Majesty's Ministers ought not to enforce the public claim in that instance more rigorously than a similar claim had been enforced in Ireland.

Mr. VINCENT SCULLY said, it now appeared that these beautiful islands had been ruined by the policy of that House, first in encouraging slavery, and afterwards in abolishing it, and at the same time refusing to the proprietors all protection. He did not believe the fabric of the West Indies was irretrievably fallen, and he wished to see an inquiry which would tend to its recovery. The Governors of the island could, no doubt, afford most useful information both as to the present position of the West Indies and the best means of placing them in a better position. He entirely approved of the passing of a measure to enable the proprietors of incumbered estates to sell their land and transfer it to persons who would have a better chance of cultivating it at a profit. Such a measure might, however, be presented in a better form. Had proper care been exercised in a similar case which concerned Ireland, the result would have been much less ruinous to the proprietors; and what he desired in this case was, that this Bill should be so framed that the proprietors would obtain the full value of their land. He agreed with the hon. Secretary to the Treasury that the debts to this country ought to be repaid, as far as possible, in full. He knew of no instance in which a debt in Ireland had been remitted; and there was no substantial distinction between the two cases. He would suggest what he considered one great improvement in the Bill, namely, that power should be given to leave a portion of the purchase-money, or debt, in negotiable securities, or what were termed land debentures. His object in making this suggestion was simply to prevent a speculator from purchasing for 5,000*l.* what he might afterwards resell for 20,000*l.* A similar Amendment was proposed at the time when the Irish Incumbered Estates Bill was brought before the Legislature, and it met with almost unanimous approval among the proprietors in Ireland. Its rejection was attended with the most serious consequences. The adoption of this suggestion, and of other improvements with regard to the West Indies, would, he felt assured, be the commencement of an era of prosperity. He hoped the right hon. Baronet (Sir G. Grey) would give him some assurance on the subject.

Sir GEORGE GREY said, that the present measure was of a temporary nature, and that the subject would necessarily come again under the consideration of Parliament.

House in Committee.

Sir JOHN PAKINGTON said, that there was a manifest difference upon the subject between the letter of the Secretary to the Treasury, issued in February last, and the speech delivered that day by the right hon. Baronet the Secretary for the Colonies. According to the letter of the Secretary to the Treasury, the Government would insist on the whole of their claim, and would force the sales of the estates. But the right hon. Baronet had told them, as he (Sir J. Pakington) understood him, that no forced sales were to take place before the next Session of Parliament.

Sir GEORGE GREY said, he had merely stated that he thought they would be better enabled to consider that subject in the next Session of Parliament, as they would then be in possession of information which was not at present before them. But he did not mean to imply that there would, in the meantime, be any suspension of proceedings.

The Bill, with some verbal amendments, passed through Committee.

House resumed.

Bill *reported.*

CUSTOMS TARIFF ACTS CONSOLIDATION BILL.

Order for Second Reading read.

Mr. HUME said, that he quite approved of this Bill as a whole, but he could not let this opportunity pass without expressing his regret that upon 431 articles a duty was still levied, from one-half of which, he firmly believed, the taxation might be removed without the loss of one shilling to the Treasury. At the same time, it was but fair to say that there had been a great improvement within the last fourteen years. In 1840, the number of articles paying duty was as follows:—Raw for manufactures, 262; partially manufactured, 101; imported ditto, 214; imported for food, 110; prohibited articles, 19; and miscellaneous, 156; making a total of 862 articles. Notwithstanding, however, so many articles were taxed, 94½ per cent of the total sum received arose out of the duty upon seventeen of those articles only. He also regretted to find that in Clause 14 of this Bill goods were to be destroyed in certain cases where the duty was not paid. He hoped that the Bill would be altered in this respect.

Mr. J. WILSON said, that this was merely a consolidation Bill, its only purpose being to bring the different Acts which had been passed during the Session into one measure. Hence this was not a proper occasion upon which to make any alteration in the law like that suggested by the hon. Member.

Bill read 2°.

RUSSIAN GOVERNMENT SECURITIES BILL.

Order for Third Reading read.

Bill read 3°.

On the Question that the Bill do pass,

Sir FITZROY KELLY said, he would be as brief as possible at that late period of the Session with the observations he felt it his duty to make. He wished, however, to state his reasons for dissenting from the present measure, as regarded one of the propositions it embodied, although he entirely approved of the object the House had in view. The Bill appeared to have three objects:—First, to prevent British subjects from subscribing to any Russian loan, and thereby enabling the Russian Government the more easily to wage war against this country; secondly, to prevent them from becoming the purchasers of any newly-created Russian stock; and thirdly, to prevent them from acquiring, with some few specific exceptions, any such stock under any circumstances whatever. He entirely approved of the first and second objects, and the only objection he had to the Bill so far was, that it appeared to be altogether unnecessary and superfluous. Every one would admit the policy of preventing any persons in this country from becoming subscribers to any Russian loan that might be proposed, as it would be both improper and disloyal to aid with the money of this country a nation with which they were at war. That being the great and important object to be attained by the Bill, it was very remarkable that the Bill had been so framed—although it had undergone the revision of his hon. and learned Friend the Solicitor General—that it was entirely without the language necessary to give effect to that intention. There were no words in the Bill which would prevent any one subscribing for any new loan proposed by the Russian Government. The holding of stock and the participation or non-participation in it were interdicted, but the prohibition of subscription to a loan was not provided for at all. The Bill said that no British subject should acquire or become interested in or possessed of any stock or stocks. He was surprised that it did not suggest itself to his hon. and learned Friend that a person might subscribe to the amount of millions and then part with his interest in the scrip before anything was introduced in the money market in the shape of stock. He had prepared a clause to meet this defect in the Bill, which provided that "any person who should wilfully or knowingly subscribe to or purchase or take in exchange any loan, stock, fund, scrip, &c., should be guilty of a misdemeanor," and this, he thought, would meet the views of the House better than the clause at present in the Bill. Undoubtedly to prevent any parties in this country subscribing to a loan was a very important consideration, because suppose the Emperor of Russia was about to raise a loan, say of 5,000,000*l.* sterling, he would have to pay, probably 10 or 12 per cent more for it than he would do if the market of Great Britain were open to him, and he could find subscribers among the people of this country. Indeed, he doubted very much whether the Emperor would be able to raise a loan at all except under very disadvantageous circumstances. He had no wish to divide the House upon this stage of the Bill, because he approved generally of the object of the measure; but he did hope that the Amendment he had suggested would be introduced into the Bill. With regard to the second part of the measure, he quite agreed that it was desirable to prevent any of the subjects of Great Britain, or any one over whom the Legislature had control, from becoming purchasers of newly-created Russian stock; but for reasons which he should state hereafter he thought that the Bill ought not to proceed further than that. It seemed to him that the committee of the Stock Exchange had already done all that they could do by the resolutions they had issued regarding Russian stock. They had prevented the Russian stock or funds being quoted in their list, and all the House of Commons could do by their legislation would do no more. Although a loan might be raised, and although the stock might be purchased, if by an express stipulation they prohibited its purchase or sale in the British market, it would be less valuable than stock of a like nature by reason of the purchase and sale being prohibited. The amount of the depreciation might easily be estimated—there were the three per cents of Spain, and another Spanish stock, which were not permitted to be quoted on the Stock Exchange. The three per cents of Spain were now at 38, and the three per cent Imperial Debt, which was prohibited in this country, and was not quoted on the Stock Exchange, was 34. For these reasons, he objected to any further provision in the Bill, and he proposed to introduce a proviso to the effect that this Act should not extend to any subscription or purchase made in any foreign country by any commercial house or firm trading and having a place of business in any foreign country, and wherein one or more British subjects and one or more aliens were partners or jointly interested. He would take the case of a house in Frankfort, having one or more partners in London. He thought they might trust to the patriotism and honourable and just feeling of the partners in this country that they would not do so; but in the case he had suggested, great injustice would be done to the partners in a foreign house who might think fit to purchase against the will of the British partner. He had prepared an Amendment, therefore, to meet such a case as that. But now with regard to the next question, of acquiring an interest in the stock by other means. He hoped the House, by agreeing to the Amendment he now proposed to introduce in the clause would render his proviso unnecessary. Suppose a mercantile house in this country to be the creditors of some foreign firm to the amount of 20,000*l.*, and the foreign firm were under the necessity of lodging security in the hands of the British house, and had no other security to lodge of a substantial nature but newly-created Russian stock. As the Bill now stood, they would make it a criminal offence for the British house to receive that stock as security for a *boná fide* debt; while they would do no harm whatever to the Emperor of Russia. Prevent him, if they could, from obtaining a loan; keep the price down, if they could, by preventing the purchase of stock in the English market; but if he had once succeeded in obtaining a loan, or if he had created and issued new stock, and that stock passed from hand to hand, circulating in all the markets of Europe, what harm would they do to the Emperor of Russia by preventing a British mercantile house from receiving a portion of the stock as collateral security for a *bonâ fide* debt, which they might lose if they were not permitted to take that description of stock? If the Amendments which he suggested were introduced in the Bill, every objection would be disposed of, because the effect would be this: they would prohibit the subscribing to a loan, and they would prohibit the purchase of stock, but they would leave British merchants to become possessed of stock once in the market, in any way, in the course of commercial operations.

Clause—

> "That, during the continuance of hostilities between Her Majesty and the Emperor of Russia, any person who shall wilfully or knowingly subscribe to or for, or purchase or take in exchange, any Loan, Stocks, Funds, Scrip, Bonds, or Debentures, which, since the 29th day of March, 1854, have or hath been, or which, during the continuance of hostilities as aforesaid, shall be negotiated, created, entered into, or secured by or in the name of the Government of Russia, or any person or persons on its behalf, shall be guilty of a misdemeanor, and in Scotland of an offence punishable with fine and imprisonment; and the Central Criminal Court shall have jurisdiction to try any offence against this Act, committed elsewhere than in the United Kingdom, and the indictment may be framed, and the venue laid, as if such offence had been committed in the county of Middlesex: Provided always, that this Act shall not extend to any subscription or purchase effected or made in any foreign country by any commercial house or firm trading and having a place of business in any foreign country, and wherein one or more British subjects, and one or more aliens, are partners, or jointly interested."

Brought up, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a second time."

The SOLICITOR GENERAL said, the hon. and learned Gentleman had expressed surprise that the Bill, as it was worded, was not levelled at direct subscriptions to the Emperor of Russia. Now, the law already provided that the direct advance of money to an enemy would be an offence of high treason, and he did not think it would be at all suitable to the temper and disposition of the House to have that law so entirely altered as it would be by condoning that offence, and making it only a misdemeanor. This was the reason why the Bill, as altered by him, did not extend to subscriptions or loans. His hon. and learned Friend had failed to observe that by his Amendment he left the second clause of the Bill remaining, so that there would be this contradictory effect—that his hon. and learned Friend first of all reduced the offence of subscribing money directly down to simple misdemeanor, and then the next clause provided that nothing contained in the Bill should have the effect of reducing the offence from high treason to misdemeanor. The one clause, therefore, would stultify the other. With regard to the clause itself, his hon. and learned Friend proposed to permit a wilful and knowing subscription to a loan for the Emperor of Russia, provided it were made in any foreign house, although in that foreign house there might be one or more British subjects as partners. Now, the effect of this would be to cast a perfect air of ridicule upon the whole of this piece of attempted legislation. The result of such an Amendment would be, that any persons in England desiring to participate in loans to the Emperor of Russia would have nothing in the world to do but to send over to some foreign firm and say, "We will become partners *pro hâc vice* in the business of the loan." In this way an infinitesimal share in the loan in question might be given to the foreign house, reserving all the important part of the transaction for the benefit of British subjects; and such a transaction, though a palpable evasion of the Act, would, under the proposed clause, be perfectly legal and liable to no punishment. Now (if the House were to legislate at all upon this subject—as to the propriety of which he said nothing)—undoubtedly the Bill should be so expressed as not to be rendered ridiculous by its own wording, and so as not to open, nay, even to point out, the very door by which an offender might escape from the operation of the Act. The result of his hon. and learned Friend's Amendment would be to dilute and reduce down to a state of utter weakness the wine which the Committee had already mixed, the colour and strength of which should at least be retained, and not watered down in the way proposed by his hon. and learned Friend. With regard to the proviso suggested, although he was by no means enamoured of the Bill, or of the language of the Bill, he thought it more accurately worded than his hon. and learned Friend would make it, and he should, therefore, oppose the Amendment.

Mr. HUME said, he had not been present upon former stages of the Bill, and was anxious, therefore, to say a few words respecting it. No doubt, the intentions with which the Bill had been brought forward were good. If by any piece of legislation they could cripple the Emperor of Russia, and prevent him from obtaining the means of carrying on a war opposed both to justice and to reason, he would entirely approve of such a measure. But he doubted whether they could effect this object in any such way as was now proposed. He thought, too, that what they were attempting to do with regard to one country they should apply to all. For this reason, he should be very sorry to see such a piece of legislation as this carried out, because it might appear an act of revenge, as well as one which would not effect anything. It was clear from the speech of the hon. and learned Solicitor General that the proposition of the hon. and learned Gentleman opposite (Sir F. Kelly), instead of amending the Bill, would dilute it and render it of much less value. He would suggest, however, to the noble Lord (Lord John Russell), who, he thought, had rather hastily taken the measure out of the hands of his noble Friend (Lord D. Stuart), whether, under all the circumstances, it would not be better to drop the Bill for the present. He certainly thought the House would do well not to proceed further with the Bill.

Lord DUDLEY STUART said, the gist of the arguments against this measure was, that it would interfere with the transactions of trade and commerce. Now there was not the slightest doubt that it would do so; and he quite admitted that this was an evil; but the object it was desired to frustrate was an evil still greater. To carry out the views of the opponents of this Bill, they should propose the abolition of the law of high treason as to this matter, and leave it perfectly open to any one who chose to lend money or give whatever other aid he pleased to the enemy. It had been triumphantly asked, "What do you want with such a measure as this? Why, the committee of the Stock Exchange have settled the matter for you. That patriotic and magnanimous body have prohibited the negotiation of any new Russian loan or shares of loan upon the Stock Exchange, and the thing is thus done to your hands." The fact, however, was, that the Stock Exchange Committee had done nothing of the sort, so there was an end of that argument. Another argument which had been much urged was, that no respectable or well-principled person would have anything to do with any loans to Russia while she was at war with this country, and that, therefore, this Bill was needless. The argument would sound very well if everybody concerned with loan transactions was respectable and well principled, but it was very far from clear that such was the case, and laws were required precisely for those who were not respectable and well principled. It must certainly be admitted that no Bill had ever been so abused as this Bill had been, but that abuse had not prevented it being passed through three stages by majorities of three to one, and he trusted that its final stage would be sanctioned by a majority equally decided.

Mr. WILKINSON said, he had a very great respect for the noble Lord, who was the grandfather of the Bill; but he believed that it was a measure that would be entirely useless. He certainly did not approve of the alterations proposed by the hon. and learned Gentleman (Sir F. Kelly). He objected to the principle of the measure, and he hoped the credit of the House would not be damaged by passing such a Bill. With regard to the Stock Exchange, it was not their business to interfere with international law. What they had done was to pass a rule for the benefit of their own subscribers. The rule made by the committee of the Stock Exchange was that they would not sanction or take cognisance of any bargains, in loans, bonds, stock, or other securities, issued by foreign Governments, that had not paid their dividends on former loans.

Lord JOHN RUSSELL said, according to the argument that they should principally regard the advantages to trade and commerce, it would seem very hard that any one lending money to the Russian Government should be deemed guilty of high treason. No doubt it would be favourable to persons in this country to lend money to the Emperor of Russia, yet by law that was high treason. Those who regarded simply the advantage of trade and commerce, might as well say that was very cruel, and ought to be altered. At all events, he did not think it would be advisable to adopt the Amendment of the hon. and learned Gentleman the Member for East Suffolk. The hon. and learned Gentleman had proposed to lower the crime of subscribing to the Russian loan during the continuance of the war, which was one of high treason according to the present law, to one of misdemeanor, and he had also proposed a proviso, by which the Act was not to apply to any subscriptions or purchase made in any foreign country by any commercial house having its establishment in such foreign country, nor to any British subject who might be a partner in such commercial house. It seemed to him that this would open an obvious door of evasion; because under it a person would be able to subscribe to a loan, or to purchase stock, through the medium of a foreign firm in which he might be a partner, and to supply the chief part of the capital from this country, escaping, nevertheless, the penalties imposed by this Bill. It was said that it was very hard that a person should be liable to penalties for transactions in a foreign country by a firm of which he might be a member, but which he might not be able to control. A person, however, might be a partner in a foreign firm which might think it a good speculation to fit out a privateer, furnished by the fund of a firm; and it might be said in that case, as it had been said in this, that it would be very hard to make him liable for proceedings which his interest in the firm might not be sufficient to enable him to prevent. Nevertheless, if he were a British subject, he would no doubt be liable to penalties for being engaged in sending out a privateer against Her Majesty and against British commerce. He thought that with respect to this Bill, although it might not effect any great advantage, the principle was good, and he hoped the House would consent to pass it.

Question, " That the said Clause be now read a second time," put, and *negatived.*

The second Amendment of the hon. and learned Gentlemen was also negatived.

Motion made, and Question put, " That the Bill do pass."

The House *divided :*—Ayes 51 ; Noes 13 : Majority 38.

Bill *passed.*

The House adjourned at Seven o'clock.

HOUSE OF LORDS,

Tuesday, August 8, 1854.

MINUTES.] *Sat First in Parliament*—The Lord Kerr, after the death of his Father.

PUBLIC BILLS.— 1ª Mayo County Advances.

2ª Public Revenue and Consolidated Fund Charges (No. 2); Public Health; Metropolitan Sewers.

Reported—Militia (No. 2); Militia (Scotland); Militia (Ireland); Militia Ballots Suspension; Militia Pay.

3ª Merchant Shipping Acts Repeal; Duchy of Cornwall Office; Public Revenue and Consolidated Fund Charges (No. 2); Public Health; Metropolitan Sewers.

EPISCOPAL AND CAPITULAR ESTATES MANAGEMENT (1854) BILL.

Commons Amendments *considered* (according to Order).

THE BISHOP OF LONDON hoped that their Lordships would not agree with all the Amendments, as he considered some of them injurious in their operation, especially the clause relating to the computation of the duration of lives, which he thought ought not to be made at a uniform rate of interest. The Amendments intended to carry into effect a principle embodied in a Report which their Lordships had rejected on a former occasion. The lessees, he thought, had no ground of complaint; and under the present system no less than 621 estates had been enfranchised in a satisfactory manner. He thought, therefore, they ought not to consent to any alteration in that system, especially as at this period of the Session they could not proceed to a minute discussion of the Amendments.

THE EARL OF CHICHESTER also opposed the Amendments, on much the same ground as had been stated by the right rev. Prelate—namely, that they sought to introduce into an Act which was intended to facilitate the enfranchisement of church property a compulsory power with respect to arbitration; and anything which had that effect was highly objectionable. He particularly opposed the mode of computation provided in the Clause H—namely, that laid down by the Episcopal and Capitular Revenues Commissioners in their Report of 1850.

EARL GRANVILLE said, he could not deny that there was considerable force in the objections which the right rev. Prelate had stated to the clause relating to the computations on the duration of lives, and he should, therefore, be ready to amend it by the omission of the words " and such computation shall be made throughout at a uniform rate of interest," as suggested by the right rev. Prelate. He must say he did not see any force in the objections taken by the noble Earl (the Earl of Chichester) to the clause rendering arbitration compulsory in cases where proposals for enfranchisement were made to the Commissioners, especially as the noble

Earl expressly assented to arbitration being made permissive.

Clause *amended.*

The Earl of CHICHESTER moved to strike out certain words in Clause H, which would have the effect of leaving the clause as follows—

"In computing the due regard to be paid to the just and reasonable claims of the present holders of lands under lease or otherwise, arising from the long-continued practice of renewal, the basis of compensation may, at the discretion and with the approval of the Church Estates Commissioners, be according to the recommendations laid down in the Lords' Report on the same subject in 1851."

On Motion that the clause, as originally worded, stand part of the Bill, their Lordships *divided* :—Content 16; Not Content 11: Majority 5.

Amendment *negatived.*

Several Amendments *agreed to;* other Amendments *agreed to,* with Amendments; and other Amendments objected to; and (after Debate) *agreed to,* with Amendments; and Bill, with the Amendments, returned to the Commons.

NATIONAL GALLERY, &c. (DUBLIN) BILL.

Commons Amendments *considered* (according to Order), and *agreed to.*

MERCHANT SHIPPING BILL.

The Commons Amendments to the Amendments made by the Lords, together with the Commons Reason for disagreeing to One of the said Amendments, *considered* (according to Order).

Moved, not to insist on the Amendment to which the Commons have disagreed; objected to; and (after short Debate), on Question, Whether to insist on the said Amendment? *Resolved* in the *Negative.*

The Amendments made by the Commons to the Amendments made by the Lords *agreed to;* and a Message sent to the Commons to acquaint them therewith.

PUBLIC REVENUE AND CONSOLIDATED FUND CHARGES (No. 2) BILL.

Earl GRANVILLE *moved* to resolve—

"That inasmuch as the Provisions of the Public Revenue and Consolidated Fund Charges (No. 2) Bill are precisely similar to those of the Public Revenue and Consolidated Fund Charges Bill as the same were amended in Committee in this House, the Report of which Amendments was, on the 29th day of July, ordered to be received that Day Three Months, the peculiar Circumstances under which the said (No. 2) Bill has been sent up to this House from the House of Commons make it reasonable that the same be allowed to be read a Second Time this Day, if the House shall think fit so to order."

Order of the Day for the Second Reading, and for Standing Orders Nos. 37 and 38 to be considered, in order to their being dispensed with on the said Bill, read.

On Question, *agreed to.*

Moved, That the Bill be now read 2ª.

The Marquess of CLANRICARDE said, that the loose manner in which Bills emanating from various departments of the Government were often drawn, led him to ask with whom the official responsibility rested? This might be excusable in private Members, but it certainly was not in the Government, who had the means of procuring the requisite legal assistance. A striking instance of the carelessness of which he complained was afforded by the former Bill on this subject, which, as originally drawn, actually rendered the salaries of the Judges subject to an annual Vote. This appeared to be so monstrous that while the Bill was still in the House of Commons he communicated with his noble and learned Friend on the woolsack upon the subject, and the objectionable provision was in consequence struck out. The Bill, however, even as it came up to their Lordships, was still calculated to do injustice in many quarters, and especially in that part of the country with which he (the Marquess of Clanricarde) was more immediately connected. It was, however, materially improved by the Select Committee to which it was sent.

Earl GRANVILLE thought the noble Marquess had overstated the nature of the inaccuracies in the Bill, which, generally speaking, were merely of a verbal character. The only Amendments which involved a question of policy was, as to whether the Commissioners of Lunacy and the police magistrates should be included in the schedule.

The Marquess of CLANRICARDE said, that when the Bill was introduced, the Master of the Rolls and Masters of Chancery in Ireland were actually made subject to an annual Vote; and that could not be considered as a mere verbal inaccuracy or mistake.

Lord MONTEAGLE said, there were eight instances in one of the schedules of the Bill in which provision was authorised to be made for certain charges, "&c.," and the word "ditto" was frequently repeated, without there being any possibility of interpreting the meaning to be attached to the word. Was this at all desirable, or to be tolerated in a Bill dealing with the appropriation of the public money? In the original Bill the official conduct of the officers of the Irish courts of law was rendered liable to be canvassed annually in a Committee of Supply, and the Government had not given way upon the matter until they found themselves in a minority, when they agreed to adopt the Bill as it now stood. He rejoiced to find that the Committee throughout had taken a different view of the case. But this was far from being all, for it was the intention of the framers of the Bill to include in it the police magistrates of London, and that intention was not carried out only in consequence of an adverse vote. In fact, the Bill had been prepared with such want of consideration and justice, that no reserve whatever was made for the life interest of persons holding office during good behaviour, and it was only by a vote of Parliament that a saving clause was inserted. There were considerable objections to the Bill as it stood; but at that late period of the Session he was not desirous of proposing any Amendment, or of throwing any difficulties in the way of Government; but several alterations might be made which would be of a beneficial character. In some cases the Statutes had been inaccurately referred to. He would merely mention one instance, where a Statute was referred to under the head of "Scotch Clergy," when, instead of referring to the Scotch clergy, it related to the custody of offenders. In fact, he could call attention to several Statutes, showing, if he might use so unparliamentary a term, the "slip-slop" manner in which the whole of the Bill had been drawn. A high authority in another place said—

> "The Committee of the House of Lords had made a very injudicious charge on very insufficient grounds. They reported that they had not before them sufficient information to enable them to determine whether these pensions, superannuations, and similar charges ought to remain on the Consolidated Fund, or to be voted on the annual Estimates; and then, instead of sending to the Treasury for further information, they struck these items out of the schedule. The House must come back to the subject, and make cleaner work at a future time."

Now, in answer to this statement, he must be allowed to say, that he had applied to the public officers of the Treasury to know whom he was to ask for any documentary evidence which it might be necessary to consult, and he had made an application at the Treasury for the very information which was wanting, and which their Lordships were complained of for not asking for. The answer which was given to his application was, that they had no authority to furnish the information he required, but they would apply for authority to the Chancellor of the Exchequer. The next day the Chancellor of the Exchequer was applied to, and he declined to furnish the information. He (Lord Monteagle) certainly felt himself called on to complain, that after the information had been asked for and refused by the head of the Treasury Board himself, the absence of that information, and the supposed neglect of the Committee, should be made a ground of complaint against them. The Chancellor of the Exchequer said in another place—

> "In the case of charges involving any great political question, or appearing to involve a question of good faith and of public contract, in which vested interests, which might fairly be so called, were concerned, he had left on the Consolidated Fund whatever he had found upon it."

As bearing upon this point, he (Lord Monteagle) might mention the case of Mr. Augustus Stapleton. Mr. Stapleton was private secretary to the late Mr. Canning; and on the death of Mr. Canning, George IV. applied by letter to Lord Ripon, the head of the succeeding Government, to make some provision for Mr. Stapleton, on the ground of the affection which His Majesty had entertained towards Mr. Canning. Mr. Stapleton was in consequence appointed to the office of Commissioner of Customs, at a salary of 1,400*l.* a year, and he held, in addition, two small offices in the West Indies, which increased his emoluments to 1,900*l.* a year. When Earl Grey's Government came into office a large reduction was made in the expenditure of the Revenue Board; and upon an application being made to Mr. Stapleton, he agreed to resign the three offices which he then held, in consideration of a retiring allowance of 900*l.* a year. This sum was granted by the Government of the late Earl Grey, and, in consequence of the arrangement, a sum of 21,000*l.* had been saved to the country, and Mr. Stapleton, under peculiar circumstances, had been in the receipt of 900*l.* a year. The peculiar circumstances were, that Mr. Stapleton had himself sought to be relieved from the position of being a mere incumbrance upon the public, and had applied to successive

Governments to give him employment in consideration of his retiring allowance. Now, he was quite satisfied that there was not one of their Lordships who would hesitate to express an opinion that the engagement with Mr. Stapleton was one which ought not to be broken. It was certainly a case which came within the speech of Mr. Gladstone, and was a case of good faith and contract, by which the public had effected a saving of 21,000*l.* in the interval between entering into the contract and the time at which it was proposed to throw Mr. Stapleton's allowance upon the Committee of Supply. It might be said that reliance should be placed upon the justice of the House of Commons; but he was not disposed to trust more to the House of Commons than to any other fallible persons; and not only must a reliance be placed upon the justice of the House of Commons, but they would have to depend upon the discretion or indiscretion of the Government of the day. In the course of this very Session, the salary paid to the Bishop of New Zealand had been withdrawn by the Government, though he had not the least doubt that the House of Commons would most willingly have agreed to its continuance. He did not think their Lordships had acted upon an unwise principle when they said that they would have evidence upon the whole matter before they came to a vote upon it; but, on the contrary, he thought they were quite right in the course they had taken, and that they had done good service to the public in the changes which they had introduced into the Bill. He would here take the liberty of referring to a report which was being circulated, to the effect that there was an intention to transfer to a Select Committee of the House of Commons the financial business of the country. If it were really true that such an intention existed, he thought it would be a greater change in the constitution and free institutions of England than had ever yet been propounded. At present the House of Commons, in its collective capacity as the Commons of England, had the power of considering its Estimates and of voting its money, and the moment it brought itself to transfer to a Select Committee functions of that description, its constitutional rights—its power over the public purse—would be lost, its proceedings would be conducted without deliberation and responsibility, and the financial business of the country would be conducted upon a similar plan to the bureau scheme of foreign countries, instead of by an open system of examination and deliberation.

Earl GRANVILLE said, that as there were several Members of the Select Committee present he would leave them to say whether he had given an accurate description of the Bill, or whether it was such a monstrosity as had been described to them. With regard to one example which the noble Lord had given for the purpose of showing that it was an imperfect measure, it regarded a matter of Scotch law. Now, he (Earl Granville) must say that, although he might be willing to take the noble Lord as an authority on a question of Irish law, he was certainly disinclined to accept it upon matters affecting the Scotch law. His noble Friend said that the most unfounded accusation had been brought against the Select Committee of their Lordships' House, because, so far from their having been able to obtain information to enable them to judge of the justice or injustice of particular items, his noble Friend himself applied to the Treasury for information, and was refused it. His noble Friend, with his usual courtesy, had given him (Earl Granville) notice of his intention to bring forward this subject; and he had, therefore, been enabled to ascertain the facts of the case. It appeared that his noble Friend had had some communication with the Chancellor of the Exchequer, and that the latter, in answer to a question put to him, stated to his noble Friend that the persons most competent to give information on the subject of this Bill were two gentlemen of the names of Anderson and Shelley, engaged in the Treasury. He found that his noble Friend then wrote to Mr. Shelley, and requested both him and Mr. Anderson to call on him and bring the papers relating to the Bill. [Lord Monteagle explained that he did not ask them to bring papers with them.] At all events, his noble Friend asked them for information respecting the Bill, and his noble Friend began his letter by saying that he had been authorised by the Chancellor of the Exchequer to do so. The answer of Mr. Shelley was, that he and Mr. Anderson would be most happy to call on the noble Lord, but requested that he would be good enough to specify what papers he desired. His noble Friend then replied, that it was a matter of no consequence, that he had only written the note to save time, that the Committee would meet the same afternoon, and would determine what papers it would call for. However, next day his noble Friend called on these gentlemen, and asked somewhat vaguely for information, and, thinking that he had the authority of the Chancellor of the Exchequer for doing so, they afforded him certain information. It was true that when his noble Friend asked them to give him the Estimates, which had not then been laid before the House of Commons, they told him that to furnish them was beyond their discretion, and that they must refer to the Chancellor of the Exchequer on the subject; and when the matter was mentioned to that right hon. Gentleman, he directed them not to give the Estimates to any one single Member of Parliament. In a conversation he (Earl Granville) had had with the Chancellor of the Exchequer, the latter assured him that when the noble Lord asked him as to the proper source of information, he had no notion that the noble Lord intended to go and ask for this particular information, he being hostile to the Bill and to the Government proposals; at the same time it never entered the head of the Chancellor of the Exchequer to withhold any information from a Committee of their Lordships' House. Whilst the Government were, of course, bound to give information to both Houses of Parliament, and to any Select Committee, he did not think they were bound to allow their subordinates to give official information privately to any Member who might wish to select weak points for attack, and entirely pass over the strong points of the case, and thus to place himself in a position infinitely superior to that of the person who had to defend the Bill, and who was left uninformed as to the exact course which such an adverse Member meant to take. Now, they must all admire the zeal which his noble Friend displayed in any cause which he undertook, and knew that no one was more accurately acquainted than his noble Friend with the particulars contained in Parliamentary documents; but they knew at the same time nobody was so skilful in extracting information for the purpose he had in hand both from friend and foe. He meant no offence to his noble Friend by making this remark; but he could not help mentioning the circumstance that when he (Earl Granville) was at the Board of Trade, and when on one occasion his noble Friend meant to attack that department, with regard to some particular question, he found his noble Friend closeted with the secretary of the Board one hour before the debate was to come on. It was obvious that by seeking information in this manner the noble Lord placed the Minister who had to oppose him in a very unfair and unequal position. He had also heard it commonly stated that a certain witness, who was likely to be subjected to cross-examination in a Select Committee by his noble Friend, boasted of his presence of mind in having declined an invitation to breakfast he had received from his noble Friend for the morning of the day on which he was to give evidence; and the party invited said that he would be most happy to breakfast with his noble Friend on any day subsequent to his examination. His noble Friend had that night made reference to a rumour which he said had reached him regarding the intentions of the Government and of the other House. He (Earl Granville) had heard of other idle rumours, with which, however, he would not trouble their Lordships. One, concerning the relations of the Government and the Bank of England, was a case in point, and had been most completely refuted when the proper time came for it. He did not happen to have heard this rumour to which his noble Friend now alluded; but he would only say, when mere rumours, without any substance in them, were brought forward for the purpose of an attack, that he must in future decline either to defend or to deny them until some more tangible and definite ground was laid before the House.

LORD MONTEAGLE replied. He said that it was true he went to the Chancellor of the Exchequer for information relating to the subject of the Committee's inquiry; but he was not aware that he had taken a course in any way unusual. During the time he had held office there had always been an officer at the Treasury to meet inquiries made there, and to whom every Member of Parliament made application as to whether such and such a paper could be granted or not; and it was a ground of constant complaint on the part of the Government that Motions were made for papers without previous inquiries being made as to whether they could be produced.

THE DUKE OF ARGYLL said, he could not allow the discussion to close without entering his protest against the fairness of the account of the transactions in the Select Committee given by both the noble Lord who spoke last and the noble Marquess (the Marquess of Clanricarde). The question having been referred to a Select Committee, the Government were defeated in the Committee, and various alterations and amendments were made in the Bill. But these various amendments were made solely upon grounds of policy, and not, as noble Lords had said, because blunders had been discovered in the drawing and printing of the Bill, or because the Government had sought in any case to violate the principle of the measure.

Lord CAMPBELL said, that as it had been intimated that something very sweeping was to be done hereafter, he must express a hope that the Government would proceed with the greatest caution and deliberation, for he was inclined to think that, so far as they had gone, there had been, *per incuriam*, some departure from the principle of this Bill, as originally laid down. With all the respect that he entertained for the privileges of the other House, he thought there were functions which it could not constitutionally exercise, and the assumption of which by that House must lead to very mischievous consequences. The House of Commons was a legislative and inquisitorial, but not an executive body, and it could not undertake executive functions with advantage to the country. He understood that the foremost man in that House, whom they all regarded with respect and admiration, had expressed great alarm at any increase of its functions. He did not think that the House of Commons was at all fitted to determine every year what the salary of every functionary should be, nor was it expedient, after both Houses had with due deliberation fixed the salary of a particular office, that that salary should be transferred from the Consolidated Fund to the annual Votes, and that the House of Commons should every year be called on to decide what should be the amount of that salary, and whether the officer had that year done his duty properly. The House of Commons had not time to perform the duties imposed upon it by the constitution, and it would be far better that the salaries should be paid by the Treasury than by the House of Commons.

On Question, *agreed to.*

Bill read 2ª accordingly.

Committee *negatived.*

Standing Orders Nos. 37 and 38 *considered* (according to Order), and *dispensed with* on the said Bill.

Bill read 3ª, and *passed.*

The Duke of Argyll

PUBLIC HEALTH BILL.

Earl GRANVILLE *moved* to resolve—

"That as the Public Health Bill constitutes a new Board of Health, inasmuch as Cholera exists in many parts of the Kingdom, and various sanitary Regulations which can only be carried out effectually by the said Board imperatively are required, the Circumstances which render Legislation on the Matter of the said Bill expedient are of such Urgency as to render the immediate Consideration of the said Bill necessary; and it is therefore reasonable that the same be allowed to be read a Second Time this Day, if the House should think fit so to order."

The Earl of SHAFTESBURY said, that the law under which the Board of Health was constituted would expire at the end of the present Session of Parliament; and that the necessity for the present measure was rendered the more urgent by the increase which had taken place in the mortality arising from cholera. The noble Earl stated that the deaths from these causes in the metropolis were, for the week ending July 15—Cholera, 5; Diarrhœa, 46; Total, 51: for the week ending July 22—Cholera, 26; Diarrhœa, 58; Total, 84: for the week ending July 29—Cholera, 133; Diarrhœa, 84; Total, 217: and for the week ending August 5—Cholera, 399; Diarrhœa, 148; Total, 547.

Order of the Day for the Second Reading; and for Standing Orders Nos. 37 and 38 to be considered, in order to their being dispensed with on the said Bill, and the Lords Summoned, read.

Moved, That the Bill be now read 2ª.

On Question, *agreed to.*

Bill read 2ª accordingly.

Committee *negatived.*

Standing Orders Nos. 37 and 38 *considered* (according to Order) and *dispensed with* on the said Bill.

Bill read 3ª, and *passed.*

METROPOLITAN SEWERS BILL.

Moved to resolve—

"That as the Metropolitan Sewers Bill is necessary for the Continuance of the Powers of the Metropolitan Sewers Commission, and for increasing the Facilities for constructing Sewers, and as such Powers and Facilities are of essential Importance to the Public Health, especially in reference to the Existence of the Cholera in Parts of the Metropolis, the Circumstances of this Bill present such a Case of Urgency as to render necessary the immediate Consideration of the said Bill; and that accordingly the said Bill be allowed to be read a Second Time this Day, if the House shall think fit so order."

On Question, *agreed to.*

Order of the Day for the Second Reading; and for Standing Orders Nos. 37 and

38 to be considered, in order to their being dispensed with on the said Bill, and the Lords Summoned, read.

Moved, That the Bill be now read 2^a. (After short debate) on Question, *agreed to.*

Bill read 2^a accordingly.

Committee *negatived.*

Standing Orders Nos. 37 and 38 *dispensed with.*

Bill read 3^a.

Amendments made; Amendments *moved;* objected to; and, on Question, *negatived;* and Bill *passed* and sent to the Commons.

PUBLIC OFFICES.

LORD REDESDALE *moved* for a Return of all Houses, Buildings, &c., hired for official Purposes, including Crown Property, showing the Situation of each, the Term for which it is held, the Amount of Rent and Taxes with which it is chargeable, and the Purposes to which it is applied. His object was to call the attention of the Government, and also of the country, to the condition generally of the public offices, which, as they at present existed, were most inconvenient. There was but one locality in which they could be brought together with advantage to the public business and the appearance of the metropolis, as well as with a view to economy—of course, he meant by the erection of large buildings in the neighbourhood of Whitehall and Downing Street, which were conveniently situated with reference to the Houses of Parliament. The site to which he wished particularly to direct attention was the space extending from the back of Downing Street to the back of Great George Street, and which ran parallel with Parliament Street. That spot was covered with poor and very old buildings, much out of repair, most of which must shortly be pulled down; and if they were rebuilt, the new buildings would, of course, greatly add to the value of the property, and therefore the present opportunity ought not to be lost in obtaining a plot of land so well adapted for the purposes of public offices before the value of the land increased. By the plan which he would suggest, Parliament Street might be made much wider by taking into it the space on which King Street now stood, and thus making a better and more convenient approach to the Houses of Parliament than now existed. He would suggest to the Government the expediency of obtaining this land as soon as possible, especially as it had been the subject of consideration for private speculation. He also wished to mention a matter having reference to the Duchy of Cornwall, and which was connected with a Bill which had been passed to enable the officers of the Duchy to obtain an office in lieu of the rooms they had vacated at Somerset House, for the accommodation of the Board of Inland Revenue. He wished to point out the position in which the Duchy of Cornwall was placed with reference to the accommodation of the Prince of Wales, whose residence, Marlborough House, was now occupied as a Picture Gallery and Museum of Practical Art. That residence would, probably, be soon wanted by the Prince of Wales; and as it was probable it would suffer some dilapidations from its present uses, rendering it unfit for a residence, and as Burlington House had been recently purchased for the purpose of being converted into public offices, he would suggest whether it would not be desirable to exchange that building for Marlborough House, and assign it as a residence for the Prince of Wales; while accommodation could also be found for the offices of the Duchy of Cornwall in the buildings in the court-yard of Burlington House. The residence of the Prince of Wales would then belong to the Duchy of Cornwall, and he thought that would be a better arrangement both for the Prince and the public. He hoped after the notice which he had taken of the matter, that Government would be able to consider it before Parliament met again, and if that should be so he would not have taken up their Lordships' time unprofitably.

THE DUKE OF NEWCASTLE said, there could be no objection to granting the return moved for by the noble Lord. Indeed, so far from there being any objection to it, he was glad that it had been moved for, inasmuch as it would contain most useful information, to which the attention of Parliament might be advantageously directed. He did not, however, think it would be advisable to enter into any discussion upon his noble Friend's suggestions with respect to the appropriation of Burlington House; nor should he enter at any length into the propriety of the very extensive purchase which his noble Friend had recommended between Downing Street and Great George Street. At the same time, he entirely agreed that it was of vast importance that all the principal offices of Government should be concentrated, for the more they could be brought into a position convenient to each other, the more conveniently and economically would the public business be discharged. Of this he was convinced, that the returns now moved for would establish beyond all question the exceedingly great inconvenience of the mode under which the public offices were at this moment conducted. While he agreed with his noble Friend in the abstract, it was also a question to be considered on economical grounds. He was not, he believed, far wrong when he stated that, independently of the offices held by the Crown in fee simple, there was now being paid annual rents for something more than fifty-six different offices. Of these fifty-six, only seven, he believed, were held of the Crown, and consequently rent was paid for the whole of the remainder to private individuals. He believed that 20,000*l*. a year was paid for rents by the Office of Woods and Forests alone. But there was not only an enormous sum paid for rents; a most extravagant system was adopted in consequence of the dispersed and inconvenient character of the buildings rented. These buildings had most of them been private houses, and therefore they were only suited for private families, and as a matter of course almost one-half the space was thrown away wastefully. But this was not all. There must be office-keepers and messengers to each. Messengers were kept running about, and undoubtedly, besides the rent, a considerable sum was annually expended in this way. And for what? Why, that the public business might be inconvenienced, and carried on with much less satisfaction to those who had the conduct of it, and with much less advantage to the public, than if a considerable sum were at once expended in the erection of new buildings, the interest on the capital of which he believed would be less than the amount annually paid for rent. To afford their Lordships some idea of the inconvenience sustained under the present state of things, he would mention that, apart from the central office held by the Board of Trade which the President occupied, there were ten or eleven other offices elsewhere, in which the business of departments of the Board was carried on. It must be obvious that, under such circumstances, the President of the Board of Trade could not exercise control, or conduct business in a manner which the public had a right to require. The same observation applied to the War Department. He did not speak only of the great offices of the Horse Guards and the Ordnance, but of a number of small offices, such as the recruiting office, the medical inspector's office, the medical examination of recruits office, and others, all of which, being held in different buildings, were practically beyond that supervision and control by the Secretary at War, which the head of every department ought to have the means of exercising. The question, therefore, was not merely one of pounds, shillings, and pence, it was one of economy and efficiency; and for these reasons he believed it would be for the advantage of the public service that a considerable expenditure should be incurred for this purpose. The attention of the Government had been directed to the subject, but under existing circumstances he could give no pledge upon it. We were at this moment engaged in very expensive operations, and it must be matter for consideration how far it would be right or desirable to choose such a time for calling upon Parliament for such an expenditure. At the same time the expenditure would be right in itself, and he felt confident that the country would support any Government in proposing a Vote for this important object at the very earliest moment at which it could be proposed consistently with the other requisitions upon the people.

Lord REDESDALE thought it desirable that there should be no delay. It was important the Government should come to some determination by next Session, for the land with old buildings might be procured cheaper now than at a future time, when new ones might perhaps have been erected; and if Government determined to become possessed of the property, they might name a certain time within which they should be at liberty to conclude the purchase, so as not to render any immediate expenditure necessary. He did not think it reasonable to keep such a matter hanging over the heads of the holders of the property for a lengthened period, but he suggested that five years might not be thought too long a time; and even if Government should pay the price at once, they need not pull down the houses, but might let them, and the rents would be more than sufficient to pay the interest of the money expended.

On Question, *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, August 8, 1854.

MINUTES.] PUBLIC BILLS.—3° Bankruptcy; Common Law Procedure.

NAWAB OF SURAT—QUESTION.

SIR ERSKINE PERRY said, he had given notice of a question with reference to the conduct of the Governor of Bombay towards the family of the Nawab of Surat, which it would be expedient for him to preface by a short statement of the case. The late Nawab of Surat had made over his territories to the East India Company upon a stipulated pension for himself and his family of 15,000*l*. per annum, reserving to himself rights of sovereignty over his immediate family and dependents. This state of things ceased with his death, upon which event some difficulties arose in connection with his representative, a daughter. In consequence, an Act of the Supreme Legislature of India was placed in 1848 for the administration of the estate of the late Nawab of Surat, to continue privileges to his family. By section 2 of that Act, the Governor of Bombay in Council was empowered to act in the administration of the property of whatever nature, left by the late Nawab of Surat, &c., and no act of the said Governor of Bombay in Council in respect to the administration to, and distribution of such property was to be liable to be questioned in any court of law or equity. The Governor of Bombay in Council, having proceeded to act in execution of the powers thus conferred upon him, had exercised that power in a manner not satisfactory to a member of the family of the Nawab, and, in consequence, that member of the family sought to have the proceeding reheard or the distribution thought right by the Governor of Bombay in Council brought under the review of the Judicial Council, as a matter of right, and in the exercise of its ordinary administration. The Judicial Council, however, by the mouth of Vice Chancellor Knight Bruce, held that under the third section of the Act, under which they sat, the court had no jurisdiction to entertain the appeal, because the Legislature of India had framed an Act enabling the Government of Bombay to deal with the subject-matter in his executive capacity, and not in a judicial manner, but that they had jurisdiction in the matter, if Her Majesty should be pleased to refer it to them. And he said—

> "In the extreme case which may be supposed of corrupt or tyrannical abuse of such powers as these—which is not suggested—there must always be open to all the Queen's subjects those rights of complaint—in the last resort, either to Parliament or to the Crown—neither Parliament nor the Crown ever being deaf, we must assume and believe, to the voice of reason and abstract justice."

The petitioner, therefore, was left to take such course as he might be advised, with reference to an application to the Crown, through the Board of Control, or otherwise. Under these circumstances, he (Sir E. Perry) begged to put the question of which he had given notice, whether, as the Privy Council have decided that the determination of the Governor of Bombay in Council against the claim of the daughter and only surviving child of the late Nawab of Surat to succeed to his private property was an executive and not a judicial act, the Board of Control will take the opinion of the law officers of the Crown, whether the judgment of Mr. Frere, on which the decision of the Bombay Government has proceeded, is not a fit matter to be referred to the Privy Council for their opinion as to its soundness in point of law and its conformity with the evidence in the case—whether, if an Act of the Legislature of India takes away from any subject of Her Majesty the right of appeal to any court of law or equity, there are any means by which such individual complaining of injustice can obtain redress?

SIR CHARLES WOOD said, he did not see any necessity that existed for taking the opinion of the law officers of the Crown on a question which had been decided in so distinct and formal a manner; nor did he see that there were any means of meeting the views indicated in the latter part of the hon. Gentleman's question. The law which had been passed on the subject was a special law, rendered necessary by the difficulties which had arisen.

SIR ERSKINE PERRY said, he wished to know whether the right hon. Baronet would not consent, at least, to instruct the Governor of Bombay to suspend the distribution of the property until the opportunity of remedying the grievance by an appeal to that House, or otherwise, had been afforded?

SIR CHARLES WOOD said, the property, he believed, had already been distributed.

SIR ERSKINE PERRY had reason to believe that it had not yet been distributed.

Sir FITZROY KELLY said, he would take that opportunity of giving notice that he should, early next Session, call the attention of the House to the propriety of taking some steps by which the grievances arising out of such legislation in India should be averted for the future.

Mr. BRIGHT said, he was of opinion that some competent tribunal should be created for the special disposal of these cases, and with adequate powers. Some such tribunal had been advocated by Sir Robert Peel in 1834, and it would prevent a great deal of oppression and injustice towards our Indian fellow-subjects.

BRIBERY BILL.

Lord JOHN RUSSELL *moved* that the House should take into its consideration the Lords' Amendments in this Bill.

Lord HOTHAM said, he begged to ask Mr. Speaker whether it was competent for the noble Lord to bring the subject under their notice at that moment. There stood upon the paper a number of Orders of the Day, while the Motion of the noble Lord was placed upon the paper in the shape of a notice.

Mr. SPEAKER said, that previous to the establishment of a rule to which the House had some time ago agreed, the Amendments introduced by the Lords into a Bill might be taken into consideration at any time. That rule, however, had provided that the Lords' Amendments should not be taken into consideration upon the day upon which they came down from the other House, but should be fixed for some subsequent day, unless the House was pleased to order otherwise. It was competent, however, for the noble Lord (Lord J. Russell), having given notice of Motion upon the subject, to move that those Amendments be taken into consideration forthwith.

Lord JOHN RUSSELL said, that a general assent had been given by the other House of Parliament to the Bill as it had been sent up to them from the House of Commons. The important definitions of bribery and treating and undue influence, and the important provision which related to the appointment of an election officer, had undergone no alteration. The last day upon which the Bill had been considered in that House a former decision of the House had been reversed—he meant that with respect to the declaration to be taken by hon. Members at the table. It had then been asked whether it was not competent to expunge those other declarations in the Bill which were consequent upon the principal one. They had been informed, however, from the Chair that it was then too late to take those other declarations into their consideration. Now, in the House of Lords those declarations had been struck out. An important clause, Clause 23, legalising the payment of travelling expenses to the voter, had also been struck out by the House of Lords. He himself had proposed that clause to the House, in the belief that it was desirable to confirm the law as it at present stood. The House would bear in mind, however, that the necessity for the clause in question depended in some measure upon the declaration to be taken by Members of Parliament, and that declaration having been struck out, the clause with respect to travelling expenses no longer retained its former value. He proposed that that House should agree to the omission of this clause. No doubt, when a declaration was to be required from every Member of that House that he had not incurred any illegal expenses, it was most essential that there should be a particular definition of what expenses were or were not illegal, but that declaration had been struck out. The only effect of agreeing to this Amendment was, that the law would remain in its present state ; but he might say that, while this Bill treated one part of the subject of bribery and corruption, there was another part of the subject—namely, that which referred to the trial of offences before Election Committees ; and he hoped to be able to deal with that subject during the next Session of Parliament.

Lord HOTHAM said, he still retained all those objections to the Bill which he had urged against it upon the third reading, but he should not upon the present occasion enter into a recapitulation of those objections. The course he meant to take was to call the attention of the House to the manner in which, and to the time at which, the House of Commons was called upon to take into consideration the subject of the noble Lord's Motion. For his own part he must say that he had never yet, during the time he had sat in that House, seen a Minister ask the concurrence of the House to an Amendment against which, in conjunction with his colleagues, he had spoken and voted. The present Bill had undergone considerable discussion in that House, and also the severe scrutiny of a Select Committee—

and, indeed, the consideration of it could not be concluded before the day arrived after which the Lords had determined not to receive any more Bills from that House. They had, however, for various reasons, consented to take this Bill into discussion, and among other reasons stated was a feeling of deference to the opinion of that House.

Lord JOHN RUSSELL: I understand that the noble Lord is about to enter into a detail of the proceedings with respect to this Bill which took place in the other House; but the proceedings which have taken place there, in Committee, with regard to it, are not properly matter for discussion in this House.

Lord HOTHAM: The noble Lord was perhaps justified in calling him to order; but he thought that the noble Lord himself, in asking the House to consider what had never been printed, and of which they had no Parliamentary knowledge, was scarcely taking a legitimate course. The clause to whose omission from the Bill the noble Lord now asked them to give their assent, was one which had been considered upon no less than five different occasions, and upon every one of those occasions the noble Lord had either spoken or voted in its favour. The whole force of the Government had, in fact, been arrayed in support of it; and yet the noble Lord had no hesitation in asking the House of Commons to sanction its removal from the Bill. It was vain to say that to reject this Amendment would only leave the law in the same condition as it at present was, for surely it was not unreasonable, on the part of those who desired to see the law settled with regard to this subject, to complain of its being left in its present state. He contended that if the House consented under any pretence to the proposal of the omission of this clause, they would expose themselves to the scorn and contempt of every man throughout the country. What, then, was to be done under the present peculiar circumstances? To take the sense of the House would be a perfect absurdity, for, at that advanced period of the Session, when very few hon. Members besides Members of the Government were in London, the Government would, he was well aware, be able to carry any measure they pleased to bring forward, even if it were a proposal to make bribery at elections a capital offence. He scarcely knew what course he should take in order to resist the unjustifiable attempt of the noble Lord to reverse the decision at which the House of Commons had arrived. He must, sorry as he should be to be compelled to do so, if the noble Lord persisted in asking the House to assent to the omission of the clause in question, adopt a mode of proceeding the object of which was to protect that House from an improper interference with its action, let that interference come from whatever quarter it might. During the long period which he had sat in that House he had never felt it to be his duty to resort to the mode of proceeding to which he referred; but he had seen upon one occasion, no less than thirty divisions taken in Committee of Supply by the noble Lord's colleague, the late Lord Durham, and the last of those divisions had been taken on the question whether fresh candles should be lighted or not. There was a limit to all human endurance, and the present was an occasion upon which, he thought, the noble Lord might be considered to have passed that limit. The noble Lord, in fact, called upon the House of Commons to stultify itself by giving its assent to a proposition, the effect of which was to declare that it was prepared to act in a manner which would reflect disgrace upon its proceedings. Under these circumstances, he should implore of the noble Lord to reconsider the determination at which he seemed to have arrived, and not compel him, and those who might concur in his view of the matter, to have recourse to either one or the other of two alternatives—namely, either to take a course which it must be most repugnant to their feelings to adopt, or to make a pusillanimous and disgraceful surrender of the duty which they owed to their own consciences, to that House of which they were Members, and to those constituents whom they had the honour to represent. If the noble Lord, however, should persevere in the course which he had signified it to be his intention to pursue, then he (Lord Hotham), when they should have arrived at the 23rd clause, should move that the consideration of the Amendment of the House of Lords with respect to that clause be agreed to that day month.

Amendments *agreed to*, as far as Clause 23.

Amendment, to leave out Clause 23, read.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the said Amendment be taken into further consideration upon this day month," instead thereof.

LORD JOHN RUSSELL said, that the noble Lord seemed to consider that clause to be a very essential portion of the Bill; but the fact was that the Bill which he (Lord J. Russell) had introduced at the commencement of the Session had contained no such provision; and he believed that no such provision was to be found among the proposals of the right hon. Gentleman the Member for Midhurst (Mr. Walpole) and the hon. and learned Gentleman the Member for East Suffolk (Sir F. Kelly). It certainly was not true that the adoption of such a clause had been regarded as one of the primary objects of the measure. But it was true that when they had been discussing the declaration clause, it had been strongly urged that if every Member were to be compelled to declare that he had incurred no expenses except legal expenses, they ought to define as exactly as possible what expenses were legal and what expenses were illegal; and it was in consequence of that argument that he had been induced to advise the House to agree to the clause then under their consideration. But he should confess that he thought the arguments used in that House against allowing candidates to pay election expenses had appeared to him very strong, and that they had certainly made a considerable impression upon his mind. It had been argued that by that clause they would open the door to many practices which should be clearly considered corrupt, and which were very akin to direct bribery. He could not help thinking that there was considerable weight in the objections thus put forward against the clause; and in his opinion it was desirable that they should agree with the Amendment of the Lords, and omit the clause from the Bill. It was not one of the essential provisions of the measure, although some hon. Members on both sides of the House had chosen so to represent it. If the House of Lords had undertaken to define what expenses should be legal, and what expenses should be illegal, he could understand that there would be some force in the objections advanced by the noble Lord against the course which the Lords had pursued, because the decision to which the House of Commons had come would then have been directly reversed by the other House. But the Lords had taken no such course; they had merely decided in favour of the omission of the clause; so that if the payment of travelling expenses had heretofore been legal, it would still continue legal under that Bill. It might be desirable that Parliament should come to some definite decision upon that point; but as the Bill now under consideration contained many other useful provisions—provisions, for instance, defining what was bribery, what was treating, what was undue influence, and providing for the appointment of an election officer with a view of ascertaining and limiting the expenses of elections, he thought that it was well worth the approval of the House, although it did not peremptorily deal with the question of the legality or the illegality of the payment of travelling expenses. He could not, therefore, conceive that the noble Lord could have any reason to say that that House would be at all disparaged by agreeing to that Amendment of the Lords. On the contrary, he was exceedingly glad that the Lords had not made any further Amendments in the Bill, and that in spite of the Resolution to which they had come, not to consider any Bills after the 25th of July, except Bills of Supply, or Bills of extreme urgency, they had thought proper to proceed with the present measure after that date. That fact showed that the House of Lords were more aware than the noble Lord (Lord Hotham) appeared to be of the urgency of that measure. It showed an earnest desire, on their parts, to put a check to those corrupt practices, and it likewise showed that they entertained very considerable deference for the wishes of the House of Commons, in which House the question of the propriety of issuing new writs for the five boroughs which had, for some time, remained unrepresented, was to be considered on Friday next. Under all the circumstances of the case, it appeared to him to be very desirable that the Bill should pass as soon as possible, and that if new writs were to be issued for Cambridge and the other unrepresented boroughs, they should have an opportunity of seeing whether the measure would be effectual in preventing that corruption by which those boroughs had hitherto been disgraced. He had, therefore, no hesitation in advising the House to agree to that Amendment of the Lords. He trusted that if the noble Lord opposite should divide the House upon that occasion, and if his Motion should be rejected, he would see that the feeling against those corrupt practices was so strong that it was not considered advisable that the House should delay until another Session some remedy against their recurrence.

Mr. HILDYARD said, that the noble Lord President of the Council had addressed the House apparently under the supposition that the noble Lord the Member for the East Riding of Yorkshire (Lord Hotham) wished that the House should reject the Bill altogether. But he (Mr. Hildyard) did not certainly understand that that was the wish of the noble Lord.

Lord JOHN RUSSELL said, that the Motion of the noble Lord was that the Amendment should be considered on that day month ; and the effect of its adoption would necessarily be to defeat the Bill for the present Session.

Mr. HILDYARD said, that he was sure that if that would be the effect of the Motion his noble Friend would be prepared so to amend it as to show that he wished the Bill should pass at once, but should pass with the clause which had been struck out by the Lords. [Lord Hotham: Hear, hear!] The noble Lord the President of the Council had told them that that was a matter of no great importance ; but if it were a matter of only trifling importance, why should not the House of Lords coincide in a decision to which the House of Commons had come after prolonged deliberation? He said that that was an exercise of the privileges of the House of Lords which the Commons ought not to tolerate. In that case the Lords had thought proper to reverse a decision to which the House had come by very considerable majorities, and with the sanction of every noble Lord and right hon. Gentleman on the Treasury bench. Why should the Members of that House be subject to the caprice of the House of Lords? If that clause were struck out, the legality or the illegality of the payment by candidates of the travelling expenses of voters would still be left in doubt and different Committees of that House would be found deciding that question differently. It was only natural to suppose, however, that ultimately county Members would be deterred from incurring the risk of paying those travelling expenses, and then the poorer class of county voters would in many instances be virtually disfranchised. He hoped that the House would not, by adopting the Amendment, succumb to the caprice of the House of Lords, and that that House would not consent to the omission from the Bill of a clause to which they had before repeatedly given their sanction by large majorities.

Mr. HUME said, it would appear from the language employed by the hon. and learned Gentleman who had just addressed them that the Liberals were at present the constitutional party in that House, and that the self-styled Conservatives were the enemies of the constitution. The doctrines laid down by the hon. and learned Gentleman would lead to a complete revolution in the constitution of this country. For his (Mr. Hume's) part, he had always defended the constitution as composed of King, Lords, and Commons ; and no man could be more anxious than he had always been that each of these bodies should perform its special duties in our legislative system. He had frequently complained that the Lords had overstepped their rights by sending Members to the House of Commons ; but he had never insulted them by complaining that they had exercised their undoubted privilege of dealing as they might think proper with any Bill that might be submitted to their consideration. If they were not to be allowed to exercise that privilege, why, he would ask, should measures be brought at all before them? He must confess at the same time that he attached but little importance to the Bill ; he had even abstained from taking any part in its discussion or in the divisions upon its various clauses ; and he had told the noble Lord (Lord J. Russell) not only on this, but on similar occasions, that he believed the only effectual mode of putting a check to bribery at elections would be the adoption of the vote by ballot. He thought it only fair that Members of Parliament should not be saddled with the expense of bringing voters to the poll. He had no particular anxiety to see the franchise placed in the hands of men who would not be prepared to go to a polling-booth to record their votes ; and if the present polling-booths were too distant for any electors, he would only recommend that the number of polling-places should be increased, and that one of them should, if necessary, be erected in every parish. Under any circumstances he felt that a candidate ought not to be put to the expense of a single shilling in order to ensure his return to Parliament ; for he was but the servant of the public, and, as a servant, he ought not to be compelled to purchase his employment.

Mr. SPEAKER said, he felt it his duty to remind the noble Lord the Member for the East Riding of Yorkshire that his Amendment, if carried, would lead to the rejection of the Bill. If the noble Lord only objected to that particular Amendment of the Lords, he should merely move that the House should disagree to that Amendment.

Lord HOTHAM said, he felt it his duty to avail himself of every form of the House, not for the purpose of defeating the Bill, but for the purpose of ensuring the rejection of that Amendment of the Lords. If the noble Lord (Lord J. Russell) would move that the House should disagree to the Amendment, and if that Motion should be adopted, he (Lord Hotham) should not offer the slightest opposition to the further progress of the Bill. His only wish was that it should remain in the state in which it had been sent up to the other House.

Mr. T. DUNCOMBE said, he understood the noble Lord to state that unless that clause were reinserted in the Bill he would obstruct the progress of the measure altogether. [Lord Hotham: Hear, hear!] That was a perfectly intelligible object, and for that object the Amendment of the noble Lord was a perfectly correct one. The noble Lord the Lord President of the Council had congratulated the House on the fact that the House of Lords had, in the case of the Bill now before them, waived the Resolution they had passed not to consider any Bill, except Bills of Supply, after the 25th of July. But he (Mr. Duncombe) saw no ground for congratulation in that circumstance. The Amendment which the Lords had made in striking out this clause was obviously a compromise. There was no question that the Government had been placed in a false position by the course which had been taken in this matter; but the House of Lords seemed desirous of placing the House of Commons in a false position of much more dangerous import by the Resolution under which they had sought to restrict the proceedings of that House. It appeared to him that the House of Commons would be deserting their duty to themselves and to the country were they to permit the Resolution of the House of Lords to become a precedent. It was a Resolution, moreover, which altogether trenched upon the prerogative of the Crown; for, supposing Her Majesty to have thought fit, instead of proroguing Parliament, to adjourn it for two or three months, was it to be permitted that the Lords should say they would not receive any of the Bills which might result from the resumed sitting, because they had not been brought up to their Lordships' House before the 25th of July in this year? He regarded the Resolution as altogether vicious, wrong, and unconstitutional. He perceived that the Lords had introduced another Amendment into the Bill, to the effect that it should continue in operation for a period of two years, and thence to the end of the next Session of Parliament; or, in other words, that it should remain in force for a period of three years. But as he (Mr. Duncombe) believed that the Bill was a trumpery and inefficient one, he meant to bring forward an Amendment to that proposal, and to move that the operation of the Bill should be limited to a period of twelve months. As this was intended to be an experimental measure, so also let the ballot be experimental.

Sir JOHN PAKINGTON said, they had all heard that the views of hon. Members were often influenced to a greater extent than they were aware of by the side of the House on which they sat. He was glad the hon. Member for Montrose (Mr. Hume), who had so long sat on the sunny side of the House, should now feel disposed to give the benefit of his great experience and weight as a champion of the rights and privileges of the House of Lords. He thought, in his new character, the hon. Member could not do better than enter into a compact with the hon. Member for Finsbury, who had just attacked the House of Lords in a manner wholly undeserved because of its Resolution in reference to not receiving Bills after the 25th of July. Now, so far from having done anything unconstitutional, or anything that could be held to militate against the privileges of the Commons, the Lords never, in his opinion, took a course more wise or constitutional than in the case just mentioned. He was sorry Her Majesty's Government should take such an active part in putting aside a Resolution which was essential to the maintenance of the privileges of the House of Lords as an independent branch of the Legislature. What was the state of business in the House of Lords this time twelve months? The accumulation of Bills on their table was such that it was impossible they could give them attention. They were called upon in the month of August not to exercise an independent function, but to register whatever Bills the House of Commons might desire to crowd upon their table. He hoped in future Sessions the Lords would not only arrive at a similar Resolution, but that they would also adhere to it, as well as be supported by the House of Commons. As regarded the question now before the House, he should say it was not creditable to the character of the House; it was not a desirable or decorous proceeding that, in the middle of August, with a mere skeleton of the House present, they should be called upon to rescind and reverse the determination arrived at on so many occasions by a full House. It might be contended that if the Lords made Amendments in their Bills at so late a period of the Session, and sent them back, what else was to be done? But in the present case that had not happened. They found, on the contrary, a Member of the Government, in another place, proposing to reverse the resolution of the House of Commons—a resolution deliberately arrived at, and not alone deliberately arrived at, but also urged for adoption by the Government itself. The Government, therefore, were not in a position to urge on the House the necessity of the case, and, therefore, he should feel bound to vote with his noble Friend the Member for the East Riding of Yorkshire in the course he was taking. But they were told if the Amendment of his noble Friend were carried it would be fatal to the Bill. His noble Friend, however, had stated that such was not his object. However, he (Sir J. Pakington) agreed with the hon. Member for Finsbury (Mr. T. Duncombe) that if the result of the Amendment was to put an end to the measure in the present Session the loss would not be very great. He supported the Bill up to the last division, but he had no hesitation in avowing that upon that occasion the Bill was so mutilated and so altered for the worse, that he did not think it was desirable the Bill should pass; and his apprehension was that if the Bill should pass in its present shape, it would only be a delusion. He did not say that the Bill had no merits. It consolidated the laws relating to bribery, and it gave a better definition than they had yet had of what bribery was; but it was not intended for a Consolidation Bill, or a Bill for defining bribery, but as a Bill for putting an end to those scenes of bribery and corruption which had disgraced some recent elections; and in that important respect he believed that the Bill would be an utter delusion. Without a declaration to be taken by the successful candidates, he believed that the nomination of an election officer would be a perfectly useless appointment, and that the Legislature would fail in the great object which it had in view. Upon that ground he was prepared to give any vote which would impede the further progress of the Bill, and upon that ground he regretted that the Government thought it desirable to press it. He could have wished that, instead of carrying this now imperfect measure through Parliament, they had taken the recess to consider the subject, and at the commencement of the next Session had brought forward a well-digested measure, which might then have been deliberated upon and passed by both Houses.

MR. G. BUTT said, that it appeared to him the Bill, as it had come from the House of Lords, was, upon the whole, a useful measure. It certainly could not be denied that it contained many provisions calculated to carry into effect objects which Members of that House on both sides desired to have fulfilled. He would not go into the conflict between the House of Lords and the House of Commons, which had nothing to do with the question. The matter was, whether the Bill had sufficient merit in itself to entitle it to the adoption of the House as it now stood, and he thought it had. The noble Lord opposite had truly pointed out that in neither of the three Bills which had been submitted to the Select Committee had there been any clause which affected to deal with the question as to the legality of the payments to which this clause referred. It might be desirable, hereafter, to define what was legal and what was not in relation to such payments, but this future expediency afforded no reason why the present Bill should not pass—why another recess should pass away, and another Session, before any attempt was made to put down bribery and corruption. No doubt the Bill, as it came from the Committee was better than it was now, but let them take the measure as it stood, and let a short Bill be introduced next Session to supply any defect in the particular point under discussion, which it might be expedient to deal with.

MR. WILKINSON said, he had no

faith in the Bill as a remedy for the evils of bribery, or in any legislative action by way of penalty. The only effectual way, in his opinion, of putting a stop to malpractices at elections would be to extend the franchise on the one hand, and adopt the system of the ballot on the other.

MR. CAYLEY said, he thought that the House of Lords was perfectly justified in the course they had taken. At all events, they had greatly improved this Bill, which he hoped would be passed in its present shape. He differed from the hon. Member for Finsbury (Mr. T. Duncombe) in thinking that the House of Lords did an unconstitutional act in passing their Resolution of the 2nd of May. That was a most useful Resolution, and one to which he hoped the House of Lords would adhere in future Sessions. With respect to the clause under discussion, he thought it would be inconsistent, and against all right principle, to call upon candidates to pay the travelling expenses of voters, and he should give his hearty support to the Lords' Amendments.

MR. MALINS said, he would beg the noble Lord the President of the Council to say, after the House of Commons had decided five times by large majorities that the actual and reasonable travelling expenses of voters should be paid by the candidates, and after every Member of the Government in that House had voted in favour of the clause to that effect, that the resolution to which the House had deliberately come should be set aside because the House of Lords had decided, upon a single night's debate upon the whole Bill, that the clause should be expunged. The effect of omitting the clause would be to leave the question of the legality or illegality of travelling expenses in a state of greater doubt and uncertainty than before; and it would be impossible either for an election officer or an Election Committee of that House to show how they were to deal with such cases. He thought that, instead of passing the Bill in its present imperfect and dangerous shape, it would be far better to delay it till next Session. But he would like the noble Lord the President of the Council to explain how it came to pass that a clause, which was supported in the House of Commons by all the Members of the Government in that House, was struck out on the Motion of another Member of the Government in the House of Lords. It could not be that the noble Duke acted without the knowledge or consent of his colleagues. He believed that in some matters the noble Duke did not allow the other Members of the Government to interfere with him; but this was not a question of that description; and at all events the matter was one in which an explanation was most assuredly due to the House. Seeing that the Bill as it now stood was one of little value, while it was calculated to create the greatest possible embarrassment at elections, he trusted that it would be allowed to remain over till next Session, when it might be made really effective for the suppression of bribery and corruption.

SIR CHARLES BURRELL said, he thought candidates should be allowed to pay the travelling expenses of poor voters, who had not the means of going to the poll at their own cost. He would also suggest that more polling-booths should be erected in large counties, and in any future Bill he hoped that point would not be lost sight of. The omission of the clause which allowed travelling expenses was a harsh and injudicious act, and he would therefore vote against it.

LORD ROBERT GROSVENOR said, he must deny the assertion of the hon. and learned Member for Wallingford (Mr. Malins), that the Government had to a man supported the clause in that House. The Attorney General not only voted, but spoke, against the clause. He rejoiced exceedingly at the course which had been taken in the other House, for he saw an opening for incalculable mischief in the Bill as it left the House of Commons. So great, indeed, had been his objection to the clause, that he had felt it his duty to vote against the passing of the Bill. Hon. Gentlemen opposite seemed to take a very extraordinary view of the duties of a candidate. Formerly, if a man went down to a borough and openly stated his intention—and kept to it—not to pay more than legal expenses, he was held up to honour; but now there seemed to be an idea abroad that a great portion of the expenses, properly belonging to the borough, ought to be got out of the candidate.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 78; Noes 21: Majority 57.

Main Question again proposed.

LORD HOTHAM said, in pursuance of the feeling he had on this subject, it was now his duty to move that the House do now adjourn. In doing so, he would take the liberty of saying one or two words in reference to what had fallen from the noble Lord the President of the Council, who appeared to be under the impression that he (Lord Hotham) had stated that this clause involved the principle of the Bill. He neither said so, nor did he feel it to be any such thing. But what he did say was, that there was no clause in the Bill on which the House had expressed a more decided opinion, or on which more divisions had been taken. It was on that ground that he considered the House ought not to assent to the omission of the clause. He had no other object in view than that this clause should remain in the Bill, although it had been said that a question was sought to be raised as to whether the Bill should be proceeded with or not. For his own part, he would scorn taking the opportunity of doing indirectly what he could not do directly. His objection was solely to the omission of this clause. The noble Lord (Lord J. Russell) was to decide whether the Bill should pass or not. It was not a question between the House of Commons and the House of Lords, but a question between the Ministers of the Crown in that House and the Ministers of the Crown in the other House of Parliament. If the noble Lord was willing to determine that the repeated decisions of the House of Commons should be maintained and that the clause should be restored, then he (Lord Hotham) should not offer one further word of objection to the Bill.

Mr. HILDYARD said, he wished to correct a great misrepresentation of the hon. Member for Montrose (Mr. Hume), that he had said the House of Lords had acted capriciously. What he said was that if the House of Lords thought proper to reject this Bill because the House of Commons adhered to a clause upon which they had five times divided, and which they had carried by large majorities, they would, in so rejecting it, act capriciously, and on them would be the consequence of that rejection. To every word of that statement he adhered. By majorities of nearly three to one that House had declared that reasonable and actual expenses of travelling were not illegal. The clause was not an enacting, but a declaratory clause, that the payment of the reasonable and actual expenses of voters was not illegal. The House of Lords had struck out that clause, without declaring that the payment of those expenses was illegal. What, then, would be the condition of county Members? They would not be able to pay a single farthing on account of such expenses without risking the loss of their seats.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 16; Noes 84: Majority 68.

Main Question again proposed.

Mr. FITZWILLIAM HUME moved the adjournment of the debate.

Mr. HUME said, he trusted, after the manifestation of the opinion of the House, that the further opposition to this Bill would be withdrawn.

Mr. HILDYARD said, he was astonished the hon. Gentleman the Member for Montrose should talk of the manifestation of a majority in that House, when it was well known the present manifestation was the manifestation of a minority, against which there had been a vote of at least three to one of that House. The noble Lord the President of the Council had now all his supporters still in town, but the great bulk of the Members who would support the noble Lord (Lord Hotham) had left town.

Lord JOHN RUSSELL said, he did not think the hon. and learned Member who had just sat down was remarkable for his calmness. It could not well be said of the hon. and learned Gentleman—

"Whose own example strengthens all his laws,
And is himself the great sublime he draws."

The hon. and learned Gentleman was mistaken in supposing this clause formed any part of the original Bill. The clause in question had been added to it at a later period of the discussion, and it never formed a portion of the original Bill. He trusted the noble Lord would not now put the House to the trouble of dividing, but would take the sense of it on the main question, that they agree or disagree to the Lords' Amendments. The noble Lord must perceive, that in the division which had taken place, not merely the ordinary supporters of the Government voted in favour of the Lords' Amendments, but also many of those who sat upon the noble Lord's own side of the House.

Colonel BLAIR said, he would remind the noble Lord that, not many weeks ago, he had stated that, if he conscientiously believed he were right, however small the minority who supported him, he would persevere. He also begged to remind the noble Lord that a great many Members who had formerly opposed the view taken by the House of Lords, were now out of town, and had not had notice that the question was to be discussed.

Lord JOHN RUSSELL said, that the occasion to which the hon. and gallant Member adverted, upon which he (Lord J. Russell) spoke as stated, was where a minority attempted to contravene the wishes of the majority.

Mr. VINCENT SCULLY said, he had taken a deep interest in this Bill from the commencement. It was not special or partial legislation, but applied equally to England, Ireland, and Scotland, and he trusted the noble Lord (Lord Hotham) would not again uselessly divide the House.

Mr. T. DUNCOMBE said, he would advise the hon. Member for Wicklow (Mr. F. Hume) not to press his Amendment to a division, but that he and his friends should reserve their forces for his (Mr. Duncombe's) Amendment, that the operation of the Bill be limited to twelve months.

Mr. MALINS said, he must complain that no notice had been given of agreement to these Amendments being moved. There were many at this moment within two miles of the House of Commons who did not know what was going on, and who had no reason to know what was going on. He justified the course which he and his friends were taking, and which he admitted upon ordinary occasions was exceedingly to be deprecated, upon the ground that they were asked to reverse the oft-repeated decision of that House, and to do it without reasonable notice.

Mr. BENTINCK said, he had not been in the House upon the two former divisions, but should vote for the present Amendment, if it were pressed, upon the ground that it was a most unjustifiable proceeding to attempt, at that period of the Session, and in such a House as was then assembled, to force on a measure of this kind without proper notice. It was a positive act of deception on the House. A measure of this magnitude, and involving such great interests, ought to have been brought forward and discussed at such a period of the Session as would have ensured a proper attendance of Members.

Motion made, and Question put, " That the Debate be now adjourned."

The House *divided*:—Ayes 15; Noes 81: Majority 66.

Main Question again proposed.

Motion made, and Question put, " That this House do now adjourn."

Colonel Blair

The House *divided:*—Ayes 13; Noes 79: Majority 66.

Main Question again proposed.

Mr. MALINS said, he thought the noble Lord the President of the Council would agree with him, that it was not fair that such a subject should be discussed without notice. In order, therefore, that such notice might be given, and that those hon. Members who were absent might have an opportunity of attending, he would propose an adjournment until Thursday. He would have preferred Friday, but he understood that the prorogation was to be on Saturday, and he could see that Friday might be inconvenient; but he trusted that the noble Lord would think that, in proposing Thursday, he was only suggesting a fair compromise. There was another reason for the postponement. It would afford the noble Lord an opportunity of giving an answer to the question he had asked just now, and which, he thought, respect for the country and that House demanded should be answered, as to the reasons which had led the noble Duke (his colleague) to move in the other House of Parliament to undo that which the noble Lord in that House had himself proposed to do.

Mr. SPEAKER said, the hon. and learned Gentleman could only move that the debate be adjourned.

Mr. MALINS said, he would therefore alter his Amendment accordingly, on the understanding that, if carried, the discussion should be resumed on Thursday.

Lord JOHN RUSSELL said, a postponement to Thursday would give hon. Gentlemen opposite a great advantage. It was obvious that they might pursue the same course on that day and on Friday as they had pursued to-day, and then the only alternative would be, that the prorogation must be postponed or the Bill be lost.

Mr. BRIGHT said, it appeared to him there was something not quite so honest as they might expect in the course which hon. Gentlemen opposite were taking. They were objecting now to the further progress of the Bill, on the ground that a particular clause had been withdrawn, but they had voted against the Bill with that clause in it; and the ground of their opposition, therefore, must be sought, not in the withdrawal of the clause, but in the ancient inveterate hostility to the Bill itself. He thought that the objection as to want of notice savoured very much of a court of law; that those hon. Members who were still in town, and had sufficient means of knowing that the subject was to be discussed, and that those who had gone out of town, must be supposed to have ascertained before they left, whether there was any business which remained to be transacted of sufficient importance to detain them. The hon. and learned Member for Wallingford (Mr. Malins) claimed to represent a majority of the House. How did he know that? The noble Lord the President of the Council, on whose recommendation only the House had agreed to this clause, had changed his opinion upon it; and they all knew that the noble Lord's conversion was generally followed by the conversion of a great many others. He remembered to have heard it said of a certain Cardinal that he had baptized 4,000 or 5,000 people at once by the twirling of a mop; and when the noble Lord changed his opinions a great many other people changed their opinions at the same time. He would put it to the noble Lord whether it was worth his while—as this was a temporary measure—as a majority of the House of Commons had adopted it—as the House of Lords had thought it of sufficient importance to warrant a suspension in its favour of the Resolution it had passed this Session—as the whole subject must be reconsidered at all events within the next two years—it was worth his while to persevere in a course which, supported by thirteen Members—just "a baker's dozen"—against seventy-nine, could lead to no practical result?

Mr. HILDYARD said, he must still contend that the objection made upon the ground of want of notice was the objection, not merely of a lawyer, but of a statesman, and he assuredly should support the course which the Opposition had pursued.

Mr. BENTINCK said, he maintained that it was perfectly consistent with the opposition that had been given to a Bill which they believed to be bad, mischievous, and inefficient, to support the reintroduction of a clause, the omission of which, they considered, made a bad measure worse.

Mr. W. WILLIAMS said, he agreed that the clause which the Lords had struck out was one of great importance, for, if it had become law, rank bribery would for the first time have become legalised. What hon. Gentlemen wished, therefore, was to establish bribery by Act of Parliament.

Lord HOTHAM said, if, as the hon. Gentleman had stated, the clause in question would have sanctioned bribery, how happened it that he himself, on four or five different occasions, voted for it? The hon. Gentleman had, as he had frequently done before, imputed motives to those who were opposed to him. How much better it would be if the hon. Gentleman would confine himself to giving his reasons for the opinions he entertained. As to what had fallen from the hon. Member for Manchester (Mr. Bright), he would only say, that it was not the fact that those who sought to maintain the clause which the Lords had struck out wished to establish bribery. [Mr. Bright: Hear, hear.] At all events, the hon. Gentleman imputed to the minority that they had an object other than that which they professed. He (Lord Hotham) could only say that, whatever might be the merits of the clause, it was one which had over and over again been confirmed by that House. It was on that ground, without any reference to the intrinsic merits of the clause itself, that he was proceeding on this occasion. The ground he was now going upon was, that there was originally a large majority extremely in favour of the clause. Nothing would have induced him to put himself in the situation he was then assuming, but a most sacred sense of duty. It was a position which was most distasteful to him, but from which he felt he could not recede without sacrificing his conscientious feelings, and consenting to a most unworthy surrender of the privileges of that House.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 13; Noes 78: Majority 65.

Main Question again proposed.

Lord HOTHAM: I move that the House do now adjourn.

Mr. MALINS said, he had hoped, when he moved that the debate be adjourned to Thursday next, that the noble Lord (Lord J. Russell) would have acceded to so reasonable a proposition, but, as the noble Lord had not thought proper to do so, he did not think it was necessary to proceed further in dividing the House.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 11; Noes 77: Majority 66.

Main Question again proposed.

Lord HOTHAM said, he should again move that the debate be adjourned.

Mr. T. DUNCOMBE: Mr. Speaker, it appears that both sides of the House are gradually dwindling away, and as the minority are decreasing two to one, as compared with the majority, it is clear that in the end they must give way. Now, I would suggest that time would be saved, and the object of both parties attained, by the adoption of the compromise I suggested an hour or two ago, that the present Bill should continue in operation for twelvemonths and the then next Session of Parliament instead of for two years, and the then next Session. This, I conceive, would meet the views of both parties. The noble Lord the President of the Council would then no doubt undertake to bring in a new Bill in the course of next year, but if the operation of the Bill be extended for three years after what has taken place this evening, I think it very probable that we shall not have an effectual Bribery Bill for a considerable length of time. I hope the noble Lord the Lord President will consent to this arrangement, and that the noble Lord opposite (Lord Hotham) will also acquiesce in it.

Lord HOTHAM said, he had no other object in view than an imperative sense of public duty. He was ready to admit that if the operation of the Bill were limited to twelve months, the view he entertained of the matter would be considerably modified, and if the noble Lord (Lord J. Russell) consented to provide that it should continue only for one year, he (Lord Hotham), being most unwilling to interfere more than was absolutely necessary with the progress of other business, would readily acquiesce in that arrangement.

Lord JOHN RUSSELL: If my hon. Friend the Member for Finsbury means to propose that the Bill shall continue for one year, and to the end of the then next Session of Parliament, I shall be willing to accede to that proposal. There would then be time to consider any other Bill which it might be thought desirable to introduce, but if it was limited to one year only, an attempt might be made on the first or second reading or on some other stage of such Bill, to move adjournment after adjournment, and thus prevent the passing of any measure upon the subject.

Mr. T. DUNCOMBE said, he believed that the words "and to the end of the then next Session of Parliament," were generally introduced into Bills not to be in force, but to cover any accident that might occur such as the noble Lord had suggested, and his object was not to run the present Bill until the end of the next Session, after the expiration of the year, but to afford the noble Lord the opportunity of bringing in another Bill next Session, and doing his best to carry it, but having the prospect of the continuance of the present Bill until the end of the succeeding Session should he fail in doing so.

Lord HOTHAM said, he was willing to acquiesce in the proposed arrangement.

Lord JOHN RUSSELL: Of course I shall feel myself at perfect liberty to propose either to amend this Bill in another Session, or to reintroduce it exactly as it is if I should so think fit. By acquiescing in this arrangement, I must not be understood as binding myself to any particular course in this respect.

Mr. MALINS said, he hoped the noble Lord, whether he introduced this Bill or proposed a new one, would incorporate in it the clause which had been struck out by the Lords.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Lord JOHN RUSSELL then moved an Amendment in accordance with Mr. T. Duncombe's suggestion, limiting the duration of the Bill to one year, and to the end of the then next Session of Parliament.

In reply to Mr. Hildyard,

Lord JOHN RUSSELL said, of course this Amendment would have to go up to the Lords for their concurrence.

Amendment *agreed to.*

COMMON LAW PROCEDURE BILL.

Order for Third Reading read.

Mr. I. BUTT said, he did not wish to oppose this Bill, but he would make an appeal to the Government to expunge the 13th clause, which would disturb the old established law of the country as to the unanimity of juries. He might be allowed to remind the House that the clause embodying a most important alteration in the law was carried in opposition to the opinion of the Attorney General for England, the Solicitor General for Ireland, as well as in opposition to the opinion of the Commissioners, in accordance with whose views the rest of the Bill was framed—namely, the Common Law Commissioners, who distinctly declared that unanimity on the part of juries ought not to be dispensed with. And to this he might add that the opinion of the right hon. and learned Gentleman the Recorder of London (Mr. S. Wortley) was decidedly to the same effect; while he had learned from a private conversation with the hon. and learned Attorney General that he remained of the same opinion which he had originally expressed, and that he certainly did not think so important a change ought to be made without the completest discussion. What he felt bound, therefore, to ask the Government was, that at so late a period of the Session, and in the face of an understanding that the discussion as to the merits of this clause was to be postponed until the third reading, they would not press the measure this Session. For, he must say, if they were to carry it through in a House so thinly attended as the present, the public would not fail to conclude that so important a change had been made without that deliberative solemnity and discussion so eminently to be desired. And he might here observe that the clause was not at all essential to the Bill; in fact, one of his arguments against the clause was, that it did not at all properly belong to it, for it was a Bill regulating the practice and procedure of the common law courts. Now, a measure of that kind was hardly one in which provisions dealing with an institution so essential to the working of English society as trial by jury could be introduced. For himself, he believed if the clause were accepted it would lead to the abolition of trial by jury altogether; but, at all events, whether the changes it proposed were right or wrong, he felt sure all would agree that it ought not to be passed except in a full House. He thought, then, that the most equitable course to take would be to expunge the clause altogether from the Bill—or, at least, that part of it which went to establish the verdict of ten jurymen as admissible; and if it was judged advisable to introduce so important a change as that, let it be done by a distinct and separate measure next Session. If that were done he was free to acknowledge that this Common Law Procedure Act would be a very valuable improvement upon the law as it now stood, and on that account there was the more reason for regretting that the Bill had been embarrassed with such extraneous matter. There was also a few other clauses in the Bill altering the law of evidence generally, to which he was disposed to take objection. Hitherto the law of evidence had been the same in England and Ireland. Now, he thought it would be introducing a very dangerous principle, and it would lead to confusion, if they sanctioned a difference in the practice of the courts of England and Ireland on the subject of evidence. Still, he was not disposed, as he had previously stated, to oppose the further progress of the Bill on that ground, should he obtain an assurance that the Government would not press the 13th clause.

The SOLICITOR GENERAL said, he readily admitted that the opinions of his hon. and learned Friend the Attorney General and of the Solicitor General for Ireland (Mr. Keogh) were not favourable to that portion of the 13th clause which authorised the reception of the verdict of ten jurymen in lieu of an unanimous decision. On the other hand, the Bill came down to them samctioned by the high authority of the House of Lords. On the whole, however, he would recommend the House not to insist upon that part of the clause objected to by the hon. and learned Gentleman (Mr. Butt), but to defer the introduction of the principle it embodied to a future Session. With regard to the other objection of the hon. and learned Member, namely, that there ought to be one rule as to evidence for both countries, he thought there could be but one opinion on that subject, and therefore he would at once undertake that all the clauses having reference to that subject should be made applicable to Ireland as well as to England.

Mr. J. G. PHILLIMORE said, he hoped the House would on no account accede to the suggestion thrown out by the hon. and learned Solicitor General. The principle of unanimity on the part of a jury was founded upon the most flagrant absurdity, and he would tell the hon. and learned Member for Youghal (Mr. Butt) that, though the Bill had been framed in defiance of the opinions of the hon. and learned Attorney General and the Chief Justice of the Common Pleas, there were authorities at least equal to theirs in favour of the principle of the clause. His own opinion was, that the verdict of nine jurymen given in after a lapse of twelve hours, backed by the authority of the Judge who tried the cause, ought to be conclusive, and was at least equal to the unanimous verdict of twelve jurymen. At all events, that was the recommendation of the Common Law Commission. He, for one, would not consent to this clause being struck out of the Bill; and he trusted that his hon. and learned Friend the Solicitor General would never be induced to consent to abandon a provision of so beneficial a nature, and which would tend to rescue the law of trial by jury from a charge of the grossest absurdity.

Viscount PALMERSTON said, he thought the argument of the hon. and learned Gentleman (Mr. J. G. Phillimore) went much beyond what he intended; for his argument went to this, that every juryman should be allowed to vote exactly as he pleased, and that then the verdict should be taken according to the opinions of the majority. By limiting the number assenting to a verdict to nine, in place of twelve, they did not get rid at all of the question of principle. Now, the course which his hon. and learned Friend had proposed did not decide the question; because, by disagreeing to this portion of the Bill, a discussion between the two Houses would be involved, and thus the matter at issue would remain open. He, therefore, thought that upon a question of such very great importance, and in reference to which such a variety of opinions prevailed on both sides of the House, it would be far better to leave the law as it stood during the few months intervening between this and the next Session of Parliament, than act in a headlong manner in regard to the extensive change proposed by the Bill. He would, therefore, suggest to his hon. and learned Friend (Mr. J. G. Phillimore) to waive his objections, and next Session a Bill might be brought in dealing specifically with the subject.

Mr. MALINS said, he highly approved of the course proposed by the hon. and learned Solicitor General. He perfectly coincided in the opinion that the clause contemplated one of the greatest alterations that could possibly take place in the administration of justice in this country. He thought that, so far as that House was concerned, the greatest caution and consideration were necessary, and that the provisions of the clause eminently merited being dealt with in a separate enactment.

Mr. HUME said, he had always thought it absurd to compel unanimity on the part of twelve jurymen. That was a conclusion in direct accordance with the dictates of common sense, and did not require many hours' discussion, either in the morning or the evening, to be arrived at. He, therefore, thought the hon. and learned Gentleman (Mr. J. G. Phillimore) was perfectly justified in urging the necessity of this change; at the same time, he would recommend him not to press his objection at present, lest it might endanger a measure in other respects also so beneficial.

Mr. J. G. PHILLIMORE said, he would consent to allow the particular provision to be expunged from the clause, lest, by his opposition, the passing a measure otherwise of so excellent a character should be endangered.

Bill read 3°, and *passed.*

EAST INDIA COMPANY'S REVENUE ACCOUNTS.

Order for Committee read.

House in Committee.

Sir CHARLES WOOD: Sir, I rise now in order to perform the promise I made last year to this House, that, if I occupied the position which I have the honour to hold as President of the Board of Control, I would submit a statement to Parliament respecting the finances of India, and, at the same time, would give a general explanation of the progress of India since the subject was last under discussion in this House. In order to enable me so to do, I propose to follow the precedent set in former years—though it is now only two years short of half a century since an Indian budget was last presented to the House of Commons—and to move certain Resolutions on the subject of the finances of India. Those who have referred to what took place on former occasions will be aware that many of the Resolutions then moved (though some relating to the commercial receipts of the India Company and to their transactions as manufacturers would be inapplicable to the altered state of circumstances) referred to the income, expenditure, and surplus of the Indian revenue, and they will be Resolutions similar to those which, before I sit down, I shall have the honour of proposing. The Resolutions referred first to the revenue and expenditure of the several presidencies, next to the revenue of India generally, and lastly, to the ultimate surplus, after defraying the whole of the charges payable out of the Indian revenues. The Resolutions which I shall submit are in truth, as on former occasions, nothing more than assertions of matters of fact, deducible from the accounts laid on the table of the House, whether those prepared in the old fashion, according to Acts of Parliament, or those framed in a different manner, which I moved for in the course of the Session, and which are now in the hands of hon. Members. The principal advantage, of course, which I anticipate from the present discussion, is not so much the eliciting the opinions of the House on the finances of India, as that it will enable Government to lay before the House a general view of the state of the Indian empire, and also afford an opportunity to hon. Gentlemen to make such observations as they think fit on the subject, or to seek for further information connected with that most important part of the British dominions, which, so far as I am able to give it from any documents in my possession, I shall be anxious to afford. I do not know that I need say much more on the general character of the Resolutions, but before I go further into the statement, I wish to say a word or two respecting the form of the Indian accounts in the hands of Members. Under Act of Parliament, accounts made up in a particular manner are annually laid on the table of the House. I did not think, when I had time to turn my attention to these matters, that the accounts presented in that shape afforded as much information as it was desirable should be laid before Parliament, and accordingly I desired accounts to be framed very much on the model of the finance accounts of this country, giving very full information on the subjects of the Indian revenue, income, and expenditure. These accounts hon. Gentlemen have had now in their hands for some time, and will be therefore able to express an opinion with respect to them. They were framed with very great care by a gentleman attached to the India Company's establishment in the City, and were submitted to another gentleman of the highest character in our financial department, the chief clerk of the revenue room in the Treasury. They afterwards underwent careful revision by myself, and I think they may be considered satisfactory as regards their form, and the character of the information they give. I am quite aware that they exhibit some defects, which I hope to remedy before presenting them to the House in another year, but for a first attempt to give full information to the House, I trust they will be regarded as a very great improvement on the present form of account. I also take this opportunity of saying that I was anxious to present at the same time to the House accounts similar to the trade and navigation accounts of this country; but I found that, in consequence of the accounts of the different presidencies not being kept in the same form, or not being brought up to the same time, it would be difficult in this year to produce complete accounts of this description. Instructions were sent out in the course of last autumn to the different presidencies, desiring that the accounts might be framed upon a new model, and I hope next year to be able to lay on the table Indian accounts corresponding with the trade and navigation accounts of the United Kingdom. I will only make one further preliminary observation with respect to the time to which these accounts are brought up. It is with very great regret that I am unable to lay before the House accounts—that is to say, complete accounts—up to a period later than the 30th of April, 1852. Those which have been laid on the table of the House pursuant to Act of Parliament, framed on the old model, I believe it would be easy to present at an earlier period. But I have been unwilling to make any change in this respect, because, though I might get the accounts presented two or three months sooner, I should not be satisfied, considering the accelerated means of communication with India, until I gained a whole year, and produced in the month of May or June complete accounts up to the end of the previous year. Instructions have been sent to the Governments of the different presidencies to expedite the transmission of the accounts as much as possible; and I hope, before a couple of years elapse, that I shall be able to effect the result I have stated. The general purport of the Resolutions which I shall move—following former precedents—will set forth the income and charge of each presidency, the income and charge of India payable in India, and the difference between the income and the charges. At the same time, it is true that the accounts will not give an exact representation of the charges of the separate presidencies, because there are some general charges included in the revenues of each presidency, and some, which ought to be divided among the several presidencies are charged to one. Thus, the charges of the Government of India are defrayed out of the revenues of Bengal; the charges of batta are paid out of the revenues of Madras, and of the Indian navy by Bombay, though these charges ought fairly to be distributed between the different presidencies. In like manner, the retired pay and furlough allowance for the whole of India are put into one general sum, though a portion belongs to each of the presidencies. I mention this circumstance to show that in the statement we are able to make out we do not accurately get the separate charges of the respective presidencies, nor the general charges of the Indian Government as distinguished from the local payments. Whether in another year it would be desirable to continue the accounts in this form is a subject for consideration, but at present I will only repeat that this is a first attempt to give information as fully as possible with respect to Indian finance. The information furnished in the statement I am about to make is principally derived from the Parliamentary papers on the subject under the heads in those papers, Nos. 12, 13, and 29. The first Resolution states the amount of the revenue of the Presidency of Bengal, including some districts attached to it, and the local charges thereon, exclusive of the military charge. I am obliged to make that distinction, for, with respect to the army of Bengal, a portion is the army of the North-Western Provinces as well as of Bengal. Therefore, when I state the revenue of Bengal, with the local charges thereon, I shall exclude the army and I shall make the same deduction for the purpose of fair comparison in respect to the North-Western Provinces, and shall afterwards add the army common to both districts. The first resolution I shall move will state that the revenue of Bengal, on the 30th of April, 1852, was 7,584,435*l.* [The right hon. Gentleman here read the following statement, embodying the information contained in the Resolutions he intended to move—]

INDIAN FINANCE—

1851–52.

I. BENGAL:					
Revenue	£7,584,435				
Local Charges	1,936,362				
Local Surplus	... ...	£5,648,073			
NORTH-WESTERN PROVINCES:					
Revenue	5,670,715				
Local Charges	1,402,238				
Local Surplus	... ...	4,268,477			
Military Charges of Bengal and North-Western Provinces	5,442,230				
Net Revenue of ditto	... ...	... ...	£13,255,150		
Charges of ditto	... ...	... ...	8,770,330		
Surplus available for General Purposes of India	... ...	... ...	... ...	£4,484,820	
II. MADRAS:					
Revenue	... ...	... ...	3,704,048		
Charges	... ...	... ...	3,204,273		
Surplus available for General Purposes of India	... ...	... ...	... ...	499,775	
III. BOMBAY:					
Revenue	... ...	... ...	2,868,298		
Charges	... ...	... ...	2,847,392		
Surplus available for General Purposes of India	... ...	... ...	... ...	20,906	
Total Revenues of the several Presidencies	... ...	... ...	19,827,496		
Total Charges of ditto	... ...	... ...	14,822,495		
Total Surplus of ditto	... ...	... ...	... ...	5,005,001	
Interest on Indian Debt	... ...	... ...	1,967,359		
Charges defrayed in England	... ...	... ...	2,506,377		
Total Charges on Indian Revenues	... ...	... ...	... ...	4,473,736	
Surplus of Income over Expenditure	... ...	... ...	... ...	... ...	£531,265

That statement, I am happy to say, is a satisfactory statement, and for the two years preceding 1851–52 there was also a surplus, though not so large. In 1849–50 the surplus was 354,337*l.*, and in 1850–51 415,866*l.* I have already stated that the year 1851–52 is the last year for which I have a complete statement, but I have an approximate one for the year 1852–53, and I think it desirable to put the House in possession of the most recent information in my power to furnish, though I cannot state anything not resting on certain and positive information. The statement of the gross account for 1852–53, and 1853–54, is as follows:—1852–53, income, 26,915,431*l.*; expenditure, 26,275,966*l.*; surplus, 639,465*l.*; 1853–54, income, 26,586,826*l.*; expenditure, 27,459,161*l.*; deficit, 872,335*l.* I confess it is with very great sorrow that I have to make this last statement, especially as the circumstances of the preceding year encouraged the expectation of a different result. But, taking the last three years together, there is a surplus of income over expenditure. When there is a great variation in different years, and the balances sometimes stand over, so that the expenditure of each year does not accurately represent the charge of the year, it is fair, I think, to take the average income and expenditure of two or three years. On the whole, therefore, I by no means despair of future years, although, when there is so large a deficit staring us in the face, it might appear at first sight to be somewhat disheartening, and it renders it necessary to postpone some changes in the taxation of India, which I am anxious to see effected. Hon. Members must remember that the revenue of India is not like the revenue of this country, in which a reduction of one item leads perhaps to an increase in another. In the great item of the land revenue, which furnishes by far the largest portion of the revenue of India, there can be no increase. With regard to Bengal, the terms of the settlement preclude any possibility of increase from that source. In the North-Western Provinces, where the leases are granted for a long term of years, and in Bombay, where the land is also leased for terms of years, there cannot, at any rate until the expiration of those leases, be any increase of revenue from that source. With regard to Madras, I am afraid, so far as the land revenue goes, that, whatever may ultimately be the case, the first operation will result in a reduction. I will not raise again the question which was discussed some nights ago as to the tenure of land in Madras. It is substantially a tenure subject to a very heavy quit-rent; and though a most able officer, Colonel Cotton, who is acquainted with public works there, states that it would be easier to raise the land to the value of the assessment than to reduce the assessment to the rent which might be fairly paid, there can be little doubt that the assessments in this portion of the presidency ought to be reduced. I am inclined to think that, in the end, the effect of reducing the assessments would be to bring a greater amount of land into cultivation, and ultimately perhaps to bring up the land revenue of Madras to a considerable extent; yet, in the first instance, a reduction would inevitably follow the first alteration of assessment. At present, all that it is necessary to say is, that it is impossible to expect any addition to the land revenue of Madras; and that, taking the land revenue of India over all the presidencies, no increase can be expected from that source for some time to come. The next item of revenue in India is opium, which amounts sometimes to 4,000,000*l.*, and is sometimes much lower. There is an estimated deficit for this year; but as I am of opinion, whether the rebels or the supporters of the present dynasty in China ultimately have possession of that country, that the use of opium will not diminish, and as I believe that the Indian opium is of a very excellent quality, better than any produced in China, I think it likely that the demand for opium from that country will not materially diminish, and that the revenue may by possibility be maintained. Still it is one of a most uncertain character, and we should be building our calculations upon a most unsubstantial foundation if we based them upon any anticipated permanent increase from that source. The next great item of revenue is salt. I cannot forget that in the last Session of Parliament the House of Commons came to a vote—an ill-advised one, as I think—upon the subject of salt. The subject of the salt duty in India could not properly or fairly be dealt with in the state of feeling which was engendered in this country with regard to it some years ago, when it was one only of many objectionable taxes paid by the people. It was quite right to abolish it here. But in India the people have long been accustomed to it—as nearly the only tax on any articles of their consumption. You can hardly deny that it is reasonable and fair that the mass of the people of India should in some way contribute to the revenue of the country. This is almost the only tax which they pay. It is one to which they have been accustomed, and it is one which does not in any way whatever press heavily upon those who are subjected to it. Since that debate took place a most interesting document has been placed in my hand—a statistical paper which has been prepared by a medical man at Calcutta, and which was printed, I believe, in some of the Calcutta journals. He took very great pains in inquiring from persons who came under his charge into the condition of the peasantry of that part of the country; and it may be satisfactory to the Committee that I should read the conclusions which he arrives at from his investigations. He goes at great detail into the quantity of food which they are able to consume, and he compares it with the most authentic information which he can obtain from all parts of the civilised world, including Europe, Asia, and America. Giving in a detailed shape the amounts obtained, he thus sums up the conclusions at which he arrives—

> "Sufficiency of food and income in excess of necessary expenditure constitute two important elements of the public weal, and these would certainly appear to have been in existence in the portion of Bengal from which my observations are derived. That many and various social evils yet exist cannot be doubted; but want of means to procure a sufficiency of food for the retention of life and health would not appear to be one of them, except in special famine years, and so far Bengal may be considered to exhibit as small an average deficiency of the comforts of life as any modern nation."

That is, I think, a satisfactory account of the general state of the peasantry in that part of the Indian empire. With regard, however, to the particular point, of the sufficiency of the supply of salt—that was the subject of his closest investigation, and he gives the result of inquiries which he made from 100 patients taken indifferently in the hospital, whom he questioned upon that subject. Ninety-eight out of 100 stated that the supply of salt was ample for all their purposes, and two only stated that it was insufficient. I think that that is answer enough to the statement which was pretty generally made, that the people in that country suffered grievously from the inadequate supply of salt, produced, as it was said, by the monopoly of the East India Company. Monopoly it most undoubtedly is not—but I will only state, upon this branch of the case, with regard to the mode of collection, which was the subject of the vote last year, that a Commission was appointed by the Governor General to inquire into the subject, and that Mr. Plowden, a very able civil officer, was desired to investigate it. He has visited Bombay and Madras for that purpose, and, when the result of his inquiry shall be sent home from the Governor General, I shall have great pleasure in laying it upon the table of the House. But the Committee must be aware what a great objection there is to the introduction of a system of Excise into India—an objection in which I shall be supported by my hon. Friend the Member for Newcastle, who stated that nothing could be more cruel and oppressive than the mode in which the Native collectors of the revenue discharged their functions. If you do establish an Excise, however, you must, for the protection of the revenue, increase the number of Native officers, and, with the number, increase their means of extortion and oppression. With regard to the only other item from which any considerable amount is produced namely, the Customs revenue, which produces, exclusively of salt, about 1,000,000*l.* a year—I fear that until the exports from India can be materially increased we cannot expect any great augmentation from that source. There has been a gradual increase of late years, and I hope that the exports from that country will increase. My hon. Friend the Member for Lancaster (Mr. Gregson) certainly leads me to hope that there may be in the present demand for fibrous substances some increase in the export of those articles from India. They do exist there in great quantities, and but a very insufficient proportion is brought to this country. I am aware the chairman of the Liverpool East Indian Association does not entertain any very lively expectation of a large amount being brought from that country; but the hon. Member for Lancaster knows the country, and I hope that he is right in his expectations. My own attention was attracted to the fact that large quantities of flax are absolutely burnt in Scinde, the only value which is attached to it being on account of the oil which is contained in the seed. I have desired the Governor of Bombay to ascertain if more of this flax could be sent to England, and I have requested the Governor General to consider the whole subject of the fibrous substances produced on the shores of the Bay of Bengal, and to send over any reasonable quantities of articles of that description which may be fairly submitted to the manufacturers of this country; because it is impossible that there can be any supply of hemp or flax or fibrous substances produced in any quantity of which our manufacturers would not be able to avail themselves. This being the case, I am afraid that there is no prospect—certainly no positive prospect—of an increased revenue in India, while in most of the items of expenditure I fear that there is no prospect of any material diminution. The large item of expenditure in India is, as I said before, the army, and we have already undertaken the defence and the maintenance of the peace of a very large additional territory, without any material addition to the army. The whole of the territory of the Punjaub, besides the territories of Nagpoor and Pegu, have been occupied, and the only addition which has been made in respect of the army has been two European regiments and the three not yet formed which were authorised by Parliament last year. With so much additional territory, it could hardly be supposed that an increased military force would not be requisite, and I fear, therefore, that we can hardly expect any great diminution in the expenses under that head. If you will refer to the statistical papers which were laid upon the table of the House last year, you will see how remarkably small is the number of troops by means of which our empire there has been maintained, especially when compared with the number of troops still supported by the Native States in India. Taking, in round numbers, the whole Queen's troops at 30,000, and the Europeans in the Company's service, including officers of Native regiments, at 20,000, we have a total of 50,000 Europeans. In addition to these there are 240,000 Natives, giving a total for Company's and Queen's army of 290,000. Beyond these, again, there are 30,000 contingents commanded by English, making altogether 320,000 men; while the few Native States that are left in India actually maintain for one description of force or another no less than 398,000 men. I do not think that we are justified, therefore, in anticipating any material diminution in that respect. When the means of communication shall be improved, and the power of moving troops from one part of the empire to another shall be facilitated, no doubt some reduction may be made; but, until that period arrives, it is not probable nor reasonable, with a great additional territory to be defended, that there can be any sensible reduction in the army expenses of India. With regard to other sources of expense I will, at present, only refer to two—first, public works; secondly, judicial establishments. I think the general feeling in the House last year, produced by the result of the examination before the Select Committee, was, that the expenditure under those two heads should be increased, and not diminished. Since that time I have derived much pleasure, as well as instruction, from the perusal of two very able publications connected with India; one by Colonel Cotton, upon the subject of public works, and the other by Mr. Norton, upon the subject of judicial establishments. Both writers, although they are not attached in any way to the Indian Government, distinctly point out the inadequacy of European agency, as they call it, with reference to the public works and the judicial establishments of India, and state that it is utterly impossible that either can be conducted properly without some increase in the number of Europeans employed in those departments. Now, I do not mean to say that we should take the opinions of those two gentlemen for more than they are worth; but, at all events, they show, I think, the necessity which exists for an increased European agency, if we expect the public works and the judicial establishments to be properly conducted, and their expenditure carefully watched. I have since talked the matter over with Colonel Cotton, and he is strongly of opinion that, unless we do send out European superintendents, we shall be throwing a great deal of money absolutely away. There is another source of expenditure which I may mention, namely, that upon education, and I refer to it only to say that I am quite sure nobody will grudge the sum to be expended under that head. I have now mentioned three great sources of expenditure in which it is clear an increase, and not a diminution, must take place, and upon those great main heads of expenditure, therefore, reduction is pretty nearly out of the question. There is, however, one considerable source of expenditure upon which I am happy to say we have been able to effect a considerable reduction. I refer to the interest paid on the Indian debt. Nothing has given me greater satisfaction than to have been able to complete—for although the transaction has not been altogether brought to a close, it has substantially been, to all intents and purposes, completed—the conversion of the India 5 per cents, which are now altogether reduced to a maximum interest of 4 per cent, with the exception of some old bonds payable at a certain time, and with the exception of a small portion of the 5 per cents, which have been paid in cash. I will state to the House what the result of that operation has been. A similar operation, but to a much smaller extent, took place in 1847, and on my accession to the office which I have now the honour to hold, I sent out directions to the Governor General to proceed at once to reduce the whole of the 5 per cents. He proceeded to do so with great discretion and judgment, and the following was the result of the operation up to the end of May last. The first debt operated upon was that of the transfer loan (England) for 3,441,000*l.* Of that sum there has been transferred to the 4 per cents, 2,734,000*l.*; taken in cash, 707,000*l.* The whole amount of the general debt at 5 per cent, which was next to be operated upon, was 23,771,000*l.* Of that sum 20,701,000*l.* have been transferred, 1,370,000*l.* have been taken in cash, and 1,700,000*l.* remained at that time untouched. The demand for cash very considerably increased when the funds of this country fell; and the operation of the war naturally produced an effect in India, so that those who would have converted their 5 per cents into 4 per cents demanded immediate payment in cash. But, prior to the despatch of the last accounts, the market here had turned, and therefore I think in all probability the demands for cash, after the arrival of those accounts, would not be in greater proportion to the conversions than they had been in the month preceding the departure of the latest advices from India. In estimating, therefore, what may be done with the 1,700,000*l.* which remained unaccounted for in May last, I will presume that they will be transferred or taken in cash in the same proportions as the transactions of the preceding month. If that be so, then 1,200,000*l.* will be transferred, and 500,000*l.* will be taken in cash. Of the whole 5 per cents, therefore—23,771,000*l.*—21,901,000*l.* will be transferred, and 1,870,000*l.* taken in cash. But I do not think that even that gives a fair representation of the result of this operation. It is the practice in India to have what is called an open loan; that is to say, any person who at any time pays money to the Government receives a certain amount of interest. Now, it so happened that at the time this conversion scheme was commenced, there was an open 4 per cent loan, which was closed in the month of September last, a new 3½ per cent loan having been opened since that date. Since the period of the conversions there have been paid into the 4 per cent and 3½ per cent loans, independently of the sums which have been taken in cash from the 5 per cents, and avowedly paid into the 4 per cent loan, 1,130,000*l.* Now, practically, that is a conversion, because as much money has been contributed to the 4 per cent and 3½ per cent loans as has been taken from the 5 per cents, and therefore to that amount we have not paid cash, but have merely converted one denomination of stock into another. The House will perceive, therefore, that we have actually paid in cash the sum of 740,000*l.* only. The general result of the whole transaction, including both that portion which was executed prior to my accession to office, and the conversions which the Governor General has been able to effect in consequence of the directions which I sent to him, may be stated in a few words. The total sum to be operated upon amounted to 27,212,000*l.* There have been transferred directly or virtually in the manner I have described 25,765,000*l.*, there have been taken in cash 1,447,000*l.*, and the whole of the 5 per cent debt has been extinguished. Upon the portion which has been transferred there is a saving of 1 per cent, and upon the portion which has been paid off there is of course a saving of 5 per cent. The amount saved by the reduction of interest upon the amount transferred is 257,650*l.*, and the saving upon the amount paid up in cash is 72,350*l.*, making the annual saving upon the whole transaction 330,000*l.* I think that is a very satisfactory operation to be executed in the face of a local war just concluded, and of a general war just commencing, and nothing could more clearly show the high estimation in which the stability of Indian finance is held by persons competent to form an opinion upon the subject. Now, Sir, there can be no doubt that, if I could have afforded it, there are two or three taxes in India which I should have been glad to have dealt with. There is the land tax of Madras, for example, which excited a great deal of disapprobation in the Select Committee, there is the Moturpha tax in the same presidency; and there are likewise certain discriminating duties which ought to be abolished altogether. But I cannot forget, and I hope the House will not forget, that the whole of the saving which I have just mentioned will be absorbed in the proposed increased expenditure for education and public works; and when I remember, too, that during last year there was a falling off in the opium revenue to the extent of about 600,000*l.*, I do not think I should be justified in urging upon the Indian Government any large reduction of taxation. With a deficiency last year of 800,000*l.*, with no prospect of any increase in the opium revenue, and with a certainty of an increased expenditure upon public works and education, I do not think it would be wise for me to recommend any reduction in the sources of revenue, although I admit—and Lord Dalhousie entirely agrees with me—that in many districts the land tax should be reduced. That will be done as soon as possible; but I am afraid that in the meantime no such reduction can be made, at any rate to any considerable extent. I do not know that upon the question of finance it will be necessary for me to trouble the House at any greater length. I have stated what the income in 1852 was, what the expenditure was, and what the surplus was; I have stated what the estimates are for 1853–4; I have shown that in some of the sources of expenditure there is a certainty of an increase, and I hope I have convinced the House that under all these circumstances it would be unwise to urge upon the Indian Government any considerable reduction of taxation. Having done so, I will now proceed to state, as shortly as I can, what the state of India is generally, and what have been the changes since last Session of Parliament. First of all, with respect to the political state of India, I may state that the principal event which has taken place since that time has been the complete settlement of the province of Pegu. No hostile attempt has been made against us on the part of the King of Ava. He is now satisfied that we do not intend to proceed further than we have already done. At the date of the last accounts trade was going on most satisfactorily both in Ava and Pegu. Our troops in Pegu were supplied with provisions from Ava, with the special leave and sanction of the King, and, in short, there was every prospect of friendly relations being speedily established between the British authorities and the King of Ava. I am sorry to say that large bands of freebooters were committing depredations in some of the districts; but still I can state that even those districts were more tranquil at the dates of the last accounts than they ever were under the rule of Burmah itself. Pegu is exceedingly rich in productions of all kinds. A great part of the land is admirably adapted for the growth of cotton; the timber is exceedingly valuable in the upper part of the province; and, upon the whole, there seems to be every prospect, however unwilling we may have been to make the acquisition—and I can state that no man was more so than the Governor General himself—of the province becoming one of our most valuable possessions in India. The House is aware that the Rajah of Nagpore recently died without leaving any successor to his throne, and that his State has consequently been annexed to the British territories. In the North-Western Provinces an amount of tranquillity prevails which, I believe, is perfectly unexampled. It is notorious that in the districts beyond the Indus several of the tribes have for many years pursued their depredations unchecked, and that very great forbearance has been shown to them. I am glad to say that, after unavailing attempts by peaceable means to ensure freedom from their attacks, they have at last been coerced by the military force sent against them, and that for the last eighteen months not a sword has been drawn in those districts. Our exertions to establish tranquillity within our own frontiers have likewise been most successful, and such a state of tranquillity as now prevails over the whole of the North-Western Provinces has never been experienced before. Some time ago I wrote to the Governor General directing him to endeavour to establish friendly relations with the Afghans. I am happy to say that he has succeeded in that attempt. A treaty has been concluded with the Chief of Kelat, in which we have stipulated to aid him in putting down the bands of robbers that infest his dominions, while he has stipulated to give a free passage to our merchandise through his country, upon the payment of the small and simple duty of six rupees per camel load. I trust that treaty will be the means of extending British trade in Persia and the other countries which lie beyond Kelat in Southern Afghanistan, and that we shall derive many important advantages from our alliance with the Chief of that people. With respect to Cabool, after the events which have taken place within the last few years, it was not, of course, to be expected that we should be able to establish friendly relations with it immediately. Since 1849 there has been complete friendliness shown on our part to all persons coming from Cabool into the British territories. All the frontier duties have been taken off, and the communication between the two countries is now very considerable. It cannot be denied, however, that the Chief of Cabool appears to have entertained apprehensions of some further attack on our part, but measures have been taken to reassure him upon that head; and I am glad to say that approaches have recently been made to us, in that secret and reserved manner which forms an essential part of Indian diplomacy and negotiation. The officers upon our frontiers have been desired to reciprocate those approaches in the same friendly manner in which they are made; and I hope I shall be able, in the next Session of Parliament, to report the establishment of amicable relations with the Chief of Cabool. With regard to the great country beyond—Persia—she is placed in a somewhat difficult position between her two great neighbours who are now at war with each other. The Shah has professed, and has maintained, an unbroken neutrality, which is at once calculated to serve his own interests, and to secure the approval of at least one of the parties in the present struggle. Neutrality is the policy which we have all along urged upon him, and we hope he will be wise enough to continue it. So much, Sir, for the political state of our Indian empire, which is most satisfactory. I am happy to say that the attention of the Government of India, no longer distracted by external circumstances, has recently been turned to the internal improvement of the country. Early in the present Session a question was addressed to me with reference to the employment of Native judges. The only answer I could give at that time was, that I had called the attention of the Governor General to it. I am now happy to state that he, as Governor of Bengal, has laid before the Government of India a scheme for improving the condition and increasing the salaries of the Native judges in Bengal, and for placing them in a much higher position than they have ever hitherto occupied. He has likewise laid a scheme before them for the improvement of the police, for the inspection of gaols, and for the improvement of the roads. These measures have not yet received the final sanction of the Government of India; but I have no doubt that they will be pushed vigorously forward and carried efficiently into execution by the very able officer—Mr. Halliday—who has been recently appointed to preside over the Presidency of Bengal. With regard to the North-Western Provinces, I can never refer to them without expressing my regret at the serious loss they have sustained by the death of Mr. Thomason. A very able civil servant—Mr. Colvin—has been appointed to succeed him, and I have not the least doubt that this gentleman will discharge his important duties most efficiently. The only great event in the internal affairs of India which has taken place since last year has been the opening of that gigantic undertaking, the Ganges Canal, a work which, I believe, exceeds any other ever heard of, either in ancient or modern times. Without troubling the House with minute details, I may state, from a paper drawn up by Major Smith, the able engineer officer who succeeded Colonel Cautley in the superintendence of the works, that the length of the main canal, which will be used for the purposes both of irrigation and navigation, is 525 miles, and of the branches 373 miles; making altogether 898 miles. The breadth at the upper part is 140 feet, and in other places it is 80 feet, diminishing to 20 at its termination. The depth varies from 10 to 5 feet. The flow of water at the entrance is 6,750 cubic feet per second; the area of irrigation is about 1,500,000 acres, and the population deriving benefit from it amounts to about 6,000,000 of people. There are two watercourses over it, the one 300 and the other 200 feet wide, and the canal itself is carried over a valley in an aqueduct of magnificent proportions, composed of 15 arches of 50 feet span, and a waterway of 750 feet. Throughout its whole course there are side canals, where necessary, so that there cannot by any possibility be a stoppage in the navigation. Compare this gigantic undertaking with some of the existing works in other parts of the world. The principal Italian canals are only 114 miles long; the two great canals in Egypt are 120 miles in length; the Erie Canal is 363 miles long; the four largest French canals are only 582 miles in length; while the principal canals in

Holland are not more than 400 miles. The Ganges Canal, therefore, is nearly twice as large as the greatest canals in any country in the world; and it has been constructed under the superintendence of a single man, Colonel Cantley, to whom the Governor General of India most deservedly paid the highest honours which it was in his power to bestow, and whom I had great satisfaction in recommending to Her Majesty, since he came home, for the distinction of the Bath, as an acknowledgment of the distinguished services he has rendered to the country. I will not trouble the House by any enumeration of what has been done in the Punjaub; but I cannot help pointing out the remarkable fact that, although only three years have elapsed between the battle of Goojerat and the date of the Report on the administration of the Punjaub, which is in the hands of Members, yet a large tract of country has been changed from a state of lawless violence to a state of peace and security, which is not surpassed in some of the oldest settlements in India. The land revenue has been reduced 25 per cent, the Customs duties have been repealed, and all this has been completed in little more than three years. This success has arisen from the adoption of what I hold to be a sound principle of Indian government, namely, European superintendence and Native agency; and the result is highly creditable to Lord Dalhousie, and the very able officers whom he employed. Here, too, they have opened about 1,350 miles of road, and surveyed about 5,200 miles more, and several hundred miles of canal have been commenced, in order to irrigate and bring into productive operation an enormous tract of country. In spite of the reduction of taxation there is still a surplus revenue. In 1849–50 that surplus was 520,000*l.*; in 1851–52 it was 626,000*l.*; in the next ten years, allowing for the great works in hand, it is estimated at 210,000*l.*, and after that at 500,000*l.*; so that, when about 250,000*l.* is deducted for military expenditure, there will be a considerable surplus in a country which has very recently been brought under British rule. Works are also in progress for the supply of water to the town of Bombay, which is much required; for it is a curious fact that one of the purposes to which the railway has been applied has been to bring fresh water into the town, a purpose which, among the many advantages the railway confers, was certainly not originally expected from it. In the Presidency of Madras, the Godavery annicut is nearly completed, that on the Kistnah is commenced, and we have sanctioned considerable further outlay on the Coleroon. The survey of the river Godavery has been partially made. We have ordered vessels to be sent out, of higher power and less draught of water, to complete it; and should the river be navigable, I will not say at all times, but for the greater portion of the year, it will open up one of the greatest cotton districts in India, and bring down that valuable product at a much cheaper rate than any transmission by railway, to the great advantage of the people of this country. With regard to the great railways of India, hon. Gentlemen are aware that the great difficulty has been the want of money, owing to the state of the money market. Up to last year there had been considerable delay, but the Government determined then that the great railways in India must at all events be made. The change of circumstances in the money market, just about the time that determination was come to, raised a difficulty which had not been anticipated; but steps have now been taken to prevent any further delay in the execution of the works. In Calcutta the line is by this time opened for forty-six miles, and the works for 120 miles more are under contract—the great obstacle to more rapid progress being the insufficient supply of iron rails from this country. The Madras Railroad is going on slowly, without any obstacles, and the Bombay line is opened for some distance. With regard to the lines to the north-east from Bombay, some doubt exists as to crossing the Ghauts, and until the country has been surveyed and reports sent in, it is impossible to decide on the exact course. In the meantime there is as much to be done on the line of railway towards Poonah as the railway company is likely to be able to accomplish, so that I do not consider that any time is really lost. In the last few months a work of much less difficulty, but of very great utility, has been nearly completed. The electric telegraph is laid down all the way from Calcutta to Agra, and from Agra to Bombay. It is, we know, in active operation, because messages have been received by it; and, I believe, by this time it will have been carried to Delhi. This important work has excited the greatest sympathy among the Natives of India, and it is satisfactory to find it can so easily be effected and maintained through the wild and desolate country which it must traverse in so great a distance. Great credit is due to the able officer, Dr. O'Shaughnessy, by whose zeal and skill this important work has been executed. An uniform postage, by means of a stamp, as in this country, has been established throughout India. The clothing of the troops has been put upon a proper footing, and various improvements of minor importance have been made, with which I will not now trouble the Committee. I will pass now to what has been done in execution of the provisions of the Act of Parliament of last Session. We have received intelligence of the assembling of the new Legislative Council at Calcutta, but it has only had time, subsequent to its meeting, to go through some formal proceedings. The House is, no doubt, aware that the Court of Directors, in conformity with another provision of the Act, have performed, with a single-minded view of what would be best for the public interest, the most painful task of reducing their own numbers to fifteen, and those numbers have been filled up by the addition of three named by the Crown. Some difficulty, it will be remembered, was anticipated that the Court so constituted might not work well together, but I am happy to say that such apprehensions have proved altogether unfounded. By the concurrent testimony of all parties, I am happy to say, no difference of the kind apprehended has existed, but the whole eighteen members have worked together as cordially as if they owed their origin to exactly the same authority. I feel here bound to bear my tribute of testimony to the assistance I have received from the whole of these Directors, and I think great advantage has been derived from their independent character, and the knowledge which they possess from having, as is the case with most of them, been so long in India. On all the important subjects which it has been my duty to bring before them I have found great readiness on their part to concur in what I thought necessary for the public interest. Passing from this point, it is desirable I should inform the House that the Law Commissioners appointed for the purpose of revising the imperfect legal procedures relating to India have not yet been enabled to bring into the shape of an Act of Parliament any measure which could be submitted for consideration this year; but I hope that, early next Session, I shall be able to carry out a Bill with a view to dealing with the Supreme Court in Calcutta, and in India generally to revise the forms both of civil and criminal procedure. Though nothing has been done in this direction in the present year, I hope next Session that a proposition will be brought forward for the establishment of a system of procedure even more simple than the improved system recently introduced into this country by the common consent of the most advanced lawyers both in this and in the other House of Parliament. Upon this subject legislation in this country has made great strides within the last year or two, and it is highly desirable that India should have the benefit of our improved legislation. A Commission for inquiring into and revising legal procedure is also sitting at Calcutta, of whose labours we shall have the benefit. Between the two, therefore, I hope that the present form of Indian judicature may undergo complete revision, and that a simple mode of procedure, easily intelligible to the Natives, will bring justice home to every man's door in a way which certainly has not been the case hitherto. With regard to the regulations for the examination of the assistant surgeons, I believe I have already stated to the House on a previous occasion that the first examination will take place in January next; it will be conducted on the principles of competition, and henceforward the examination will be taken half-yearly. As respects the admission to Haileybury, I was in hopes to have been able to state the regulations under which students might be admitted there by competition. The House is, no doubt, aware that no nomination can take place since the operation of the Act in April last, but a certain number of nominations had been made before that time which have not been taken up, and of course until those have been taken up there can be no admission by competition. Some time since I requested a number of gentlemen, most of them friends of my own, who felt an interest in this subject, to take it into their consideration. Among them was the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), the Vice Chancellor of the London University, Mr. John Lefevre, Lord Ashburton, Mr. Jowett, a distinguished member of Balliol College, and the Rev. Henry Melvill, the head of Haileybury. As soon as I am informed of the result of their deliberations, I shall be enabled to promulgate the regulations which may be necessary with respect to admission to Haileybury, and next summer admission will probably take place by competition. There are now only two other subjects upon which I need trouble the House, both of which excited the greatest attention before the Committees of last year—I mean those of public works and education in India. The system of public works is one to which my attention was very early directed, and I could not but perceive the utter want of system with which they were conducted throughout India. The reports of Lord Elphinstone and of Lord Harris as to Bombay and Madras entirely confirm this view. Works appear to have been sanctioned and undertaken in India with very little regard to what could possibly be carried out, and it was impossible to know how much had been done or when it was done. Now, the estimates of public works in India ought to be framed annually, as they are in this country; and I have sent out a model upon which the estimates there should be framed, so that we may be informed what the total cost of each work will be, what has been the expenditure in each year, and what is required to complete it. So far as Bengal and the North-Western Provinces are concerned, there is already organised a separate department of public works, and I hope in the other provinces some similar system will before long be adopted, so that we shall have some responsible head for the management of this important department. The next essential consideration is the means of executing the works. Hitherto the only fund applicable in this way has been the surplus revenue in each district. Now, I thought that was not only bad economy, but was unduly postponing the benefit which the inhabitants, and ultimately the revenue, should derive from the execution of these works. I, therefore, have proposed to expend upon the main and principal public works as large a sum as may be found adequate for the purpose of completing them. Whilst the conversion of the 5 per cents was going on and we did not know what the drain on the treasury might be, we were obliged to reserve our balances in hand, but now we are at liberty to act more freely, and the Governor General is authorised to apply the necessary money to the execution of these great works. The real check upon the execution of these works not only now, but in former times, is the want of adequate superintendence. Money has been thrown away for the want of that superintendence. The engineer officers are employed on this service to the utmost extent which is compatible with the efficiency of their corps. Officers are largely withdrawn from the other regiments; civil engineers are not to be had; and all we can do is to supply the deficiency as well and as rapidly as we can. I trust the colleges now being established will induce many to educate themselves as civil engineers; but it is now only too true that the superintendence is deficient, and there are no very obvious means of supplying that deficiency. I now come to the last, and certainly not the least important, subject on which I shall trouble the House, and that is, the measures taken for supplying the great want of education in India. It would be most unjust to many persons not to pay a tribute of praise to them for what they have done, or to deny that a great deal has been done for promoting education in India; but I think, at the same time, it was evident from the evidence given before the Committee, that a great deal still remained to be done. Sir Thomas Munro, Mr. Wilson, Sir Charles Trevelyan, Mr. Macaulay, Mr. Bethune, Dr. Mouatt, Mr. George Norton, and my hon. Friend opposite (Sir E. Perry), are among the persons to whom honour is due. The members of the various missionary societies have, likewise, been most energetic to promote the cause of education. But certainly no persons can give stronger testimony than those gentlemen who have done the most as to how much remains to be done. They, by experience, are acquainted with what is wanted, and can point out the best way to provide it. The system of education appears to be different in different provinces. In Bengal, English education has been pushed to a very high extent; there has been there a great demand for the acquisition of the English language, with a view to employment in the public offices; and hon. Members may have seen, in examination, papers used in Bengal, which were printed in the appendix to the Report of the Lords' Committee, questions which I confess I should be very sorry to have put to me, and which probably many Gentlemen round me would find some difficulty in answering. Accompanying that high English education, there has, however, been in Bengal a great neglect of the education of the masses of the people. On the other hand, in the North-Western Provinces, Mr. Thompson established a system of schools for the Natives, which the people were induced to attend; by the advantage to be derived from learning the mensuration of land and the mode of calculating their holdings, Dr. Mouatt, who has recently been the Secretary to the Council of Education in Bengal, admitted that in practical and useful knowledge conveyed to the people in the vernacular, the schools in Bengal were very far inferior to those established by Mr. Thomason in the North-West Provinces. In Bombay there are very good mixed English and vernacular schools, and in Madras Lord Elphinstone exhibited a remarkably good college; but religious disputes unfortunately have prevailed there, and, so far as Government schools go, they are worth very little. On the other hand, the efforts of the missionaries have been more developed in Madras than anywhere else, and the vernacular education of the missionary schools is carried to a far greater extent there than in any other part of India. The medical college of Calcutta produces most exceedingly skilful pupils, and, wherever medicine has been taught, it has been taught with very great success. The working college of Roorkee, which has taken the name of its founder, Mr. Thomason, promises very well in drawing out engineering abilities. In Calcutta, the Governor General has established a college where medicine, law, and civil engineering are taught, and this promises good results, for by far the greatest defect of the education given in India is its want of a practical character. I am far from underrating any part of the education which is imparted under the system now followed in the various provinces, but the great object of any system of education in India must be to extend it to the great body of the people. Hitherto the greatest expenditure in proportion to the numbers has been upon education of a high description, and this appears to us to be wrong. Education of the higher class may be left to the care of the parties themselves who are to benefit by it, and who can appreciate its advantages; but what is really wanted for India is the extension of education to the great body of the people, and this has been the main end kept in view in the proposals we have made. With this object, we shall take every desirable part of the system we see existing in one part of India or the other, and endeavour to form a scheme which may be adapted to the whole country, leaving the details to be filled up by the authorities on the spot. We lay down a general scheme which they are to work out as the circumstances of each district seem to require. The great features of the scheme are so fully explained in the despatch which has been placed in the hands of hon. Members, that it will be unnecessary for me to detain the House by dwelling upon them at any length, nor would it be possible for me to state the details with much minuteness, as these must differ in different places and with different circumstances, and it is proposed to leave them to be carried out on the spot by the officers employed in the educational department. Hon. Gentlemen are aware that in India, as I am sorry to say is the case in this country, religious differences oppose a very great obstacle to the adoption of any uniform system of education. We have determined, however, to carry out a system which, I believe, is likely to succeed—that is, a system of grants in aid to schools according to their wants and their means of imparting education, irrespective of any religious instruction administered in those schools. We propose to put them all under inspection, requiring certain things from them—certain things to be taught and done. Such schools will be reported upon, and, according to their compliance with these requirements, they will receive assistance from the Government. I repeat, however, that as regards all religious teaching we carefully abstain from any interference whatever. That has been the principle upon which Indian government has been conducted for many years past, and it is, I believe, the only safe system upon which it can be conducted in that country. I am perfectly convinced that if the Government were to introduce into India any system of education which should lead the Natives to suppose that we had a wish to proselytise them, it would only injure and prevent that result which we all wish to see produced—I mean the advancement of education. I am, therefore, most anxious it should be fully understood that we give assistance to missionary, to Mahomedan, to Hindoo schools, and to any schools, of whatever religious faith they may be; that we look only to the secular education imparted there, requiring it to be of sufficiently high standing, and requiring the education to be properly imparted; but that we in no way want to interfere with the religious belief or the religious teaching in those schools. We propose to establish universities in the great centres of the Indian presidencies on the model of the London University—that is, with the power of conferring degrees after examination, without themselves engaging in the instruction of students. The universities will be at the head of affiliated colleges or institutions, as is the case with the London University. The affiliated institutions will include colleges of any religious persuasion—missionary, Hindoo, Mahomedan, or Government colleges. Every place of instruction, indeed, which gives an education sufficiently high to enable a person to obtain a degree, may be affiliated. Below these colleges we propose to have schools of two different classes. I do not like to distinguish these schools by the terms "Anglo-vernacular" and "vernacular" schools, for those terms do not express what we mean; but probably in the lower of these classes it may be found impossible to teach anything but the Native language, whilst in the class of schools above them I hope that both the English language and the vernacular dialects of India will be taught. At present, one of the greatest difficulties interposed in the way of Native education is the want of books in the vernacular languages of which the contents are valuable and worth teaching, but to some extent at least this want may be supplied, and at all events we may confidently look forward to the greater diffusion of the English language amongst the Native population, and with it a knowledge of the science and arts of Europe. We propose to establish scholarships as prizes from the lower schools, presenting to the students rewards which the more diligent and exemplary may hope to obtain. We hope from amongst the better scholars to find some who may adopt the profession of teaching, and do something to supply the great want of educated schoolmasters. There have been many instances of Native students of superior endowments, well fitted for the vocation of schoolmasters, and whom we should be willing and anxious to train up as teachers by the establishment of normal and training schools for schoolmasters. We propose to place the whole of these institutions under constant inspection, and examinations will be regularly conducted under the eyes of the Government inspectors. We think, also, that instead of continuing the Councils of Education, it would be far better that the educational system should be under the control of a Government department. I am very far from underrating the exertions which have been made by those Native and English gentlemen who are members of the Councils of Education, and I trust that most of them will continue to render their assistance in the promotion of education as members of the senates of the universities; but I think it is advisable that the system of education should be placed under the superintendence of a Government department. We also contemplate either the establishment of professional colleges or the appropriation of branches of the colleges to the purpose of instruction in professional knowledge. Students who display talent for particular professions—as, for instance, for engineering or medicine—may then be enabled to cultivate their abilities in these professional institutions. We shall thus provide, in truth, for promoting the education of the higher classes by the distinctions afforded in the universities for those who complete their education in the colleges, and for that of the mass of the people in the different classes of schools. In the lower class of schools we shall provide a native schoolmaster, with assistance in books and scholarships in the class above. For the upper class we shall give assistance towards the erection of school-houses, with scholarships to the colleges; and for the students most proficient in the end there will be scholarships in the training schools or the professional colleges. This is the scheme which, on the whole, I have thought it most advisable to adopt; but the Committee will give me credit for sincerity when I say that I have the greatest possible diffidence in my own judgment, and that I shall be overjoyed to have the assistance and advice of those who are competent, by their knowledge of the country, and acquaintance with the habits and dispositions of the Natives, to offer suggestions on this important subject. If, however, the scheme had rested entirely upon my own judgment, I should have hesitated in entertaining any very sanguine hope of its success; but I have consulted many gentlemen who, from the great interest they have taken in the question of education in India, were well qualified to afford sound advice upon the subject. I may content myself with observing that the plan has been submitted to Dr. Duff, with whom I had a long conversation regarding it, to my right hon. Friend the Member for Edinburgh (Mr. Macaulay), to the hon. and learned Member for Devonport (Sir E. Perry), to Mr. Marshman, Sir Edward Ryan, Dr. Mouatt (the Secretary to the Council of Education in Calcutta), to Mr. Beadon, and Mr. Seton Carr, to Mr, Norton (who was President of the Council of Education at Madras), Mr. Prinsep, Mr. Baillie, as well as other gentlemen of eminence connected with the Indian service, and it is most gratifying to me to be able to state, without referring to details, that the general scheme which I have proposed has met with their approval. I trust, after the approbation they have expressed of the scheme, that it may be attended with satisfactory results. Much will depend on the hands to which the actual working of the system is confided ; but when I look at the number of persons, both English and Native, who have devoted themselves to the cause of education in India, I cannot entertain a doubt that the adequate means of carrying it into execution will be found, and most earnestly do I pray that by the blessing of Providence its benefical influence may be extended over the whole surface of that vast region, so that the grand and lasting result to which we may look forward will be the moral and religious improvement of its inhabitants.

Sir ERSKINE PERRY said, he trusted he should not be thought presumptuous if he ventured to take a part in this discussion, although he felt that he was more in need of indulgence than almost any one who had called the attention of the House to Indian affairs, for he was unable to bring before them any of those topics so well adapted to excite attention which had generally been urged in Indian debates. He was neither able to adduce such instances of misgovernment as had occasionally been brought forward, nor to paint such glowing pictures of prosperity as had been described by the hon. Member for Honiton (Sir J. Hogg) and other hon. Gentlemen. He (Sir E. Perry) hoped the Committee would believe that the opinions he was about to express had been formed without any personal bias one way or the other, his only object having been a sincere desire to ascertain the truth. He had heard the speech of the right hon. Baronet (Sir C. Wood) with unmixed gratification. He (Sir E. Perry) was satisfied that he represented the opinions of thinking people in India when he said, that that speech would be hailed as the most promising with regard to political prospects that had ever been addressed to them from this country. The right hon. Baronet had frankly admitted that the estimates he had framed presented what was certainly an alarming deficit, but, notwithstanding this circumstance, he had detailed the operations which he proposed with respect to four great subjects intimately connected with the prosperity of India. The despatches that had been laid upon the table showed that the right hon. Baronet had given to public works in India a stimulus such as those enterprises had never before received. The Governor General and the Governors of the different presidencies had been allowed to avail themselves of the large balances standing in the public Treasury, independently of the revenue of the year, in order to promote any public enterprise characterised by sound engineering skill, or which had local evidence in its favour. With respect to the judicial establishment, also, hints had been given to the Governor General as to the pay of Native judges—a subject on which so much evidence was taken before the Parliamentary Committees of last year, and on which a very strong feeling existed both in this country and in India. The right hon. Baronet had effected a very large and beneficial operation on the funded debt of India, by reducing the interest from 5 per cent to 4 per cent. If the tenure of the right hon. Gentleman's office was to be characterised by the measure of education he had sketched, he (Sir E. Perry) would be bold to say that the name of Sir Charles Wood would be linked by the grateful Natives of India with the two or three English names they loved to honour. He (Sir E. Perry) cordially concurred with every portion of the educational scheme of the right hon. Gentleman. For years past the educationists of India had been appealing to the home authorities for that assistance and encouragement which was now to be afforded them. They had previously appealed in vain for assistance to enable them to establish normal schools, training colleges, universities, and to promote education generally, but now, for the first time, did they find anything like large and general support extended to them by the home authorities. He considered that the gratitude of India was due to the right hon. Gentleman for having proposed these measures, which emanated, be believed, from the Board of Control. Although, however, he (Sir E. Perry) had listened to the speech of the right hon. Baronet with unmixed gratification, he could not help observing, from the demeanour of the House, and from the thinness of the benches, and even of the Treasury bench, that very little interest in discussions of this kind was shown within the walls of that House. It certainly might have been expected that the colleagues of the right hon. Baronet (Sir C. Wood) would have attended to hear what was certainly one of the most glowing pictures of India that had ever been drawn. He, however, attributed their absence and the dulness of demeanour that had characterised the House to the fact that discussions of this kind did not appear to lead to any practical result. He thought it was necessary, in order to excite the attention of the House, that hon. Members should feel that they were being instructed with a view to some operation on their part, or to some active demonstration to which they could lend aid. It had been the characteristic of all the Indian discussions of this nature that they took place in almost empty Houses. On the last occasion when a similar budget was opened, only about thirty Members were present, although the Duke of Wellington made an admirable speech in favour of his brother's administration. It was then, as it was now, and as it would continue to be, the general feeling of the House, that the information afforded by Indian discussions of this kind might be just as well gained from blue books. He (Sir E. Perry) thought, however, that a very important moral might be drawn from what they had heard from the President of the Board of Control to-night. If he (Sir E. Perry) had correctly characterised the scheme propounded by the right hon. Baronet for the government of India, it appeared to him the strongest argument that could be adduced in favour of a proposition brought before the House many times last year, as to the value of Parliamentary interference with respect to the great principles that should govern our rule in India. He attributed entirely to the Parliamentary discussions that had taken place, and to the Act that had emanated from them, the very great strides in administration which had been made with respect to India during the last twelve months. That Act very much enhanced the position of the President of the Board of Control; it greatly diminished the power of the Court of Directors; it threw increased responsibility upon the Ministers of the Crown; and the very statement that had been made that night afforded the strongest possible demonstration of the value of the plans propounded in that House last year. The proposition brought before the House last year was one which was most interesting to many thinking men out of doors; it occupied much public attention, and was re-echoed loudly by the press, and in the House was ably and eloquently urged by the hon. Member for Manchester (Mr. Bright), the main point being the general feeling which existed of the necessity of some Parliamentary influence with respect to the government of India. The hon. Member for Manchester brought forward his arguments on various occasions, always urging the necessity of such Parliamentary influence, and he (Sir E. Perry) took the liberty of saying, that the arguments by which the hon. Member for Manchester supported his propositions excited the admiration, if not of that House, of which at that time he (Sir E. Perry) was not a Member, of people out of doors, and he believed the soundness of his views, and the felicity with which he expressed those views, raised him, even in the opinion of Members of the House, to the highest rank of Parliamentary orators. In his own opinion, the breadth of the views propounded by that hon. Member, and the vigorous grasp he took of a difficult subject, convinced him that he was equal to all the exigencies of government, and was blessed with the possession of a statesmanlike mind, which, if he had had the opportunity, would place him in the first class of statesmen, as well as of Parliamentary debaters. He (Sir E. Perry) deduced from the topics which, upon the present occasion, had been so well brought forward by the right hon. Baronet the President of the Board of Control an argument in behalf of that position, and he was anxious to demonstrate that Parliament had never interfered with respect to India, except under the most beneficial auspices. It was a Parliamentary struggle which, twenty years ago, opened the trade of India to English merchants. It was by another Parliamentary struggle about the same period that the China trade was emancipated from monopoly; it was Parliament that first introduced education into India, that gave it that stimulus from which such great effects had resulted, and it was Parliament which by its last Act passed with reference to the subject, had interfered most beneficially to destroy what he conceived was one of the worst parts of the government of the Company—namely, the civil patronage it enjoyed, and which English statesmen knew had operated so injuriously to the good government of that country. The general objection brought forward to Parliamentary influence with

India was, that it would reduce the Government of that empire to the condition of that of one of our Colonies, that Parliamentary influence with our Colonies had been generally deprecated, and Indian reformers were asked, whether they would have a system of ruling which was so deprecated introduced into that large country? That was the position which was thrust into their faces; but the House would observe there was one thing which, in the consideration of this matter, ought to be weighed most carefully; and that was, the extraordinary difference existing between the Colonies of this country and the empire of India. With respect to the Colonies in connection with this country, he might presume to speak with some degree of authority, having lived in one of them, and it would be found, as a general rule, that they were inhabited by an Anglo-Saxon democratic people, struggling for self-government, and animated by few of those feelings of interest in the aristocracy which appertained to the mother country. In general they had obtained self-government; they had, however, been unruly; the mother country had been annoyed during the struggle, but in the main they had succeeded in obtaining good government. India, on the contrary, was a large peninsula, a populous country, necessarily under a despotism, and it was, therefore, as utterly dissimilar in its condition to any of our Colonies as one country could be to another; to compare India with a colony was to compare two countries wholly different in their characteristics. It was, however, unnecessary to institute such a comparison, or to found any argument upon it, because we had an example of colonial government as applied to an Asiatic colony in direct juxtaposition with the government of India, and that example was to be found in the island of Ceylon, and he could show the House that that colony had during the last two or three years progressed in a more rapid and extraordinary manner than even India itself—

> "In 1834 the first coffee estates were planted. In 1854 there were upwards of 300 plantations in full bearing, containing 60,000 acres of planted land. The capital thus invested by Europeans has been about 4,000,000*l*. Between the years 1838 and 1843 the Ceylon Government sold 250,000 acres of Crown land, and opened 800 miles of good carriage-road. There are now more than 3,000 miles of road in Ceylon. In 1837 the coffee shipped amounted to 43,000 cwt.; in 1852 to 324,000 cwt. In 1837 the value of the imports was 595,888*l*., that of the exports 326,860*l*. In 1845 they amounted to 1,495,127*l*. and 679,286*l*. respectively."

That was the wonderful state of progress in that island during the period he had described, and it was entirely owing to European enterprise and the investment of European capital giving to that island large views of government. While, then, he expressed his own opinion as to the views which were brought forward last year upon this subject, and advocated so strongly, he entreated the House to remember the manner in which those views were met by the leading statesmen of this country; they were met in a manner which led to the material curtailment of the power of the Court of Directors, and to the transfer of that power, and with it the responsibility it entailed, to the Government. The Court of Directors was a mighty power; it had all the *prestige* attaching to the prolonged existence of 250 years; its antecedents and its history were the antecedents and the history of a power of no small importance. Its gigantic patronage had given it relations and interest in every household of the kingdom; its claims in the opinion of all sober-minded men were substantial, and on conservative affections could not be otherwise than great; but, notwithstanding all this, when the views to which he had referred were propounded in that House and disseminated out of doors, excepting the immediate retainers of the Company, not a single voice was raised in its favour. In no other way could that be explained than in this:—The leading statesmen of this country saw that the existing system had become effete—that it was no longer in harmony with the spirit of the times—and that the feeling had grown up in the minds of men that this mighty empire could only be governed and be increased with safety by those who, in a Parliamentary government like that of England, were placed at the head of affairs. Parliament required to know, and India required to know, how the government of 150,000,000 of the human race was to be conducted, and the circumstances of the time demanded that its administration should be brought under Parliamentary influence, for as long as another body existed, which practically had the government of India, they would never get a House—more than they had that night—to listen to a statement respecting Indian financial affairs or the progress of improvement in that country. If the right hon. Baronet or the House referred to the origin of the Indian speeches which they might read in *Hansard*, they would find that in many cases they were never made in the House at all, being the production of some clerk in the India House, who used to prepare them, and then, after Mr. Dundas had delivered a few sentences to the House, the MS. was handed over to *Hansard;* he was even told that the clerk in the Board of Control could show a number of the speeches got up in that manner. Unless, therefore, they got the ordinary Parliamentary motives to bear in relation to this question, it never could be a general subject of interest to the discussion of which hon. Members would aspire. He was glad to have had the opportunity of stating his views on this point, believing as he did that truth, although it might be told to an audience however small, would ascend in the world, and, being disseminated, take firm hold of the public mind, arming itself at last with irresistible power. He was unwilling to dwell longer on this subject, but he wished before he sat down to call the attention of the House to a point connected with finance, on which he conceived it might interfere most beneficially in the interest of India—he meant with respect to the propriety of an arrangement for bringing the offices of the Directors of the East India Company into close connection with the Government offices. That subject excited the attention of Parliament last Session, and if any hon. Gentleman would refer to the divisions which took place on it, he would find the House was almost equally divided on the question before them. The division, he recollected, was sixty-one to seventy-four, the proposition for bringing those offices together being negatived by a majority of thirteen, and in the minority of sixty-one would be found the names of a large number of Gentlemen on that side of the House who were known friends of India. The right hon. Baronet had detailed to them that evening the various expenses of India, and it certainly did strike him (Sir E. Perry) that it was most absurd that the offices of two consulting bodies should be more than four miles apart. He thought he could show the House how they could save to India at least 150,000*l.* The whole cost of what he might call the double government, taking it on the most moderate calculation, was as follows:—Salaries of Court of Directors (now 10,000*l.*), 7,568*l.*; of contingent expenses, consisting of repairs, taxes, &c., and petty charges, 32,062*l.*; salaries, &c., of the secretaries and officers of Court of Directors, 94,387*l.*; Board of Control and establishment, 29,420*l.*; rent of India House and other buildings of the Company, at 6½ per cent on their own valuation of 506,919*l.*, 32,950*l.*; rent for India Board, on a valuation of 40,000*l.*, 2,600*l.*—making, in the whole, 198,987*l.* Now, let them contrast that with the cost of Government offices which transacted similar duties—he meant the Colonial Office, doing the business of fifty-three Governments, which amounted to 40,550*l.*, and if they added 10,000*l.* a year as salaries of the Court of Directors, supposing them to continue always in existence, the whole cost would be 50,550*l.*; therefore, the sum of 150,000*l.*, or near it, might be applied to the purposes shadowed forth by the right hon. Baronet. He trusted that some hon. Member with more experience than himself would favour the House with his opinion of the practicability of such an amalgamation, for if a saving to that extent could indeed be effected, it might be attended with the most important advantages to India, and he had sanguine hopes the matter would be investigated by the right hon. Baronet himself, as he (Sir E. Perry) had seen enough of the Government of India to know that their chief desire was to deal out justice to the Natives of that country, and in their supervision to correct what was wrong. He sympathised with the hon. Baronet the Member for Honiton (Sir J. Hogg), in the assertion, that an attempt to do justice had characterised the rule of the East India Company. With the mass of business that fell to a Member of Parliament, it was impossible to waste a day in conferring with a clerk at the India House on points upon which information was desired, and which the Board of Control did not contain. The governing mind upon various small points of Indian administration could only be found among the superior class of examiners of correspondence at the East India House. Great benefit would result from getting all the Government authorities of India into one building, situate in the immediate vicinity of the other Government offices. He should not have gone so fully into the subject in so thin a House, except that the opportunity of speaking upon Indian subjects arose so seldom that one, who like himself strongly felt the responsibility cast upon this country by Providence in regard to India, would not do his duty if he did not seize any occasion of this kind that might present itself. Any one who had studied Indian history must see that the temper of the times had greatly changed, and that the views of the public had been much enlarged since the discussions of this subject commenced; fifty or 100 years ago the question was how much money could be got out of India, and not how much the Government could benefit 150,000,000 of our fellow-subjects. But the right hon. Baronet the President of the Board of Control, and others, were becoming sensible of the holiness of our mission. Parliament was "rising to the height of this great argument." He was sure that the most enlightened minds were desirous that our government in India should assume the most liberal form of policy that was compatible with the despotism that must always exist in an Asiatic country. This policy was as sound as it was unselfish, and he was sure it was only by the adoption of this large and generous policy that Parliament could preserve the connection that now existed for the benefit of both countries, and which, if every act were conceived in the same spirit, would, he trusted, continue for countless generations.

Mr. KINNAIRD said, that after the House had been sitting for ten hours, and after a speech from the President of the Board of Control which had occupied two hours and a half in its delivery, it would ill become him to trespass at any length upon the House. He wished, however, that the right hon. Baronet would take into consideration the propriety of sending out instructions, that the accounts should not be made up to April, but that they should be closed in December. The accounts would then reach this country in June, and the right hon. Baronet would not have to make his next speech to a House, the number of whose Members varied from eleven to thirteen, as had been the case to-night. He greatly regretted that this very important statement had been put off until the very close of the Session. He trusted that the public works for the benefit of the people would be continued, and he would suggest to the right hon. Baronet that the Governors of the four presidencies of Madras, Bombay, Bengal, and Agra, and the officer at the head of the administration of the principalities of Scinde, Pegu, and the Punjab, should be instructed, at the close of each year, following the example of the Earl of Elgin in the case of Canada, to draw up a Report of the progress which had been made in the departments of civil and criminal justice, the state of the finances, and the condition of commerce, the improvement in police, in roads, bridges, and internal communication, and also the progress that had been made in the education of the people, so as to give a distinct view of the position and prospects of the respective provinces. If such Reports were laid upon the table annually at the time of the Indian Budget, they would be of incalculable good. They would create a wholesome and a generous emulation among the Governors, and infuse a spirit of greater zeal into their operations. The annual account would enable Parliament, the press, and the public to compare the success of the measures of one period with another, and test the real progress of India. He believed that the government of India by this country had tended upon the whole to the benefit of the inhabitants, and he thought Parliament might boldly invite th criticism of the world upon it.

Mr. HUME said, that the Reports upon the state of the different provinces of India, which his hon. Friend (Mr. Kinnaird) wished for, were regularly forwarded to the Court of Directors. [Mr. Kinnaird: But not to Parliament.] That was because the superintending officer of the Government in that House had never done his duty by calling for them. If the hon. Member would look at the Reports by Colonel Sykes, he would find that there were better Reports accessible to him of India than of England. It was not information that was wanted, but publicity. He believed that the Directors of the East India Company had determined to give greater publicity to their proceedings than hitherto, not only here, but in India, where the greatest mystery and secresy had been observed. He was disappointed in the speech of the hon. Member for Devonport (Sir E. Perry), from whom he had expected a statement of what he had seen in India, and what he proposed to do for the people of that country. With regard to the accounts, if they were made up to the 30th of April, as at present, ample time would be afforded for having them correctly laid upon the table; and he thought, therefore, that no alteration was required in the date to which they were made up. He believed that the Government had taken the proper course for ascertaining the requirements of so large and diversified a class as the people of India, and he hoped the interest taken in that people would continue to increase in future. He felt the greatest gratification at the speech of the right hon. Gentleman the President of the Board of Control. He had begun his administration well, and he (Mr. Hume) trusted that from this time forward we might expect to see an annual improvement in the state of our Indian empire. He did not himself wish for many of the alterations in the details of administration which had been referred to by previous speakers. What he desired was, such measures as would improve the condition of the Natives. And an excellent commencement in that direction had been made in the despatch which had just been sent out, directing the establishment of a system of education. That despatch proceeded upon the right principle of leaving the details of the scheme to be settled in India. For it was utterly impossible for any set of men here to point out the precise measures required for each district of a continent so diversified in character as was Hindostan. It was, however, requisite that that House should be kept informed of what was done, in order that it might be able to guard against any neglect. It was much to the credit of the Government that they proposed to give education to all without distinction of sect or creed. He hoped that in the next Session of Parliament the President of the Board of Control would lay on the table of the House the Resolutions which he intended to move some days before he made his speech. The Resolutions might have been a mere matter of form this year, but it would not be so in future. He could not agree with the right hon. Gentleman that it was impossible to improve the revenue of the Presidency of Madras. On the contrary, he thought that Colonel Cotton had conclusively proved that, by the introduction of improved means of communication, the condition of the people might be much improved, and consequently the revenue materially augmented. Let them consider what our facilities of communication had done for England. Well, he believed that India presented capabilities for equal improvement. Looking to the market which Australia would now afford for Indian produce, he was much mistaken if the large outlay on roads and canals which the Government had authorised would not be attended with a most beneficial effect both upon the credit of the country and of the revenue. In order, however, to attain this end, it was very desirable that more attention should be paid to irrigation than had been done for some time past, and that the Natives should be relieved from vexatious imposts like the Moturpha tax, the payment for water, and the tax on the sinking of wells. With regard to the military establishments of India, the right hon. Gentleman had correctly pointed out that the Native troops were numerous, and the British troops few. But he must press upon the Government the necessity of doing justice to the former troops, and to the 5,000 or 6,000 European officers who commanded them. They had at present much cause to complain that very little attention was often paid to their just claims. He must, in the most emphatic manner, express his dissent from the doctrines laid down by Lord Dalhousie with respect to the acquisition of provinces now under the rule of Native princes. We had now a great and important empire in India; we had 150,000,000 of people under our sway; and he (Mr. Hume) wished to see our measures directed to the improvement of the condition of our present subjects—to making them rich and happy—rather than to the acquisition of further territory. And more than that, he desired to see the Native princes of India following our example, and improving the condition of their dominions by the same measures which had been already successful in ours.

MR. DANBY SEYMOUR said, there were many topics in the speech of the right hon. Baronet the President of the Board of Control which called for observation, but at that late hour he would only detain the Committee by adverting to one or two of them. He admitted the great improvement which had been made during the last twelve months in the government of India, which in a great measure was due to the influence and exertions of the right hon. Baronet. His minute on education would be received with approbation from one end of the country to the other; but, at the same time, he could not help telling him that, with regard to the salt tax and the supply of salt to India, he took an exceedingly erroneous view, and must have been greatly misinformed upon this branch of the subject. He differed from the right hon. Gentleman as regarded the state of the people of Bengal, which he had been told by well-informed persons was as bad as Madras. One great fact had come out from the statement of the right hon. Gentleman, namely, that there was a deficit of 800,000*l.*, and, therefore, it would be necessary to press upon the

Government of India the necessity of retrenchment. One of the most obvious ways in which this reduction of expenditure could be effected, would be by making the regular cavalry irregular, which would diminish the cost by one-half. The regular cavalry was quite inefficient; and the only reason why it was kept up was, that the Directors might have the opportunity of giving away the commissions. The patronage of the Directors had been diminished; but it had now to be divided amongst fewer persons, so that each had more than fell to his share before the Charter Act of last year. So bad was the Madras regular cavalry, that out of eight regiments there was only one that had not mutinied or shot its officers. The right hon. Gentleman should press the Directors to adopt the policy of Sir Robert Peel, and to reduce or wholly abolish taxation upon the chief articles of consumption of the great mass of the population.

MR. J. G. PHILLIMORE said, he fully concurred in the panegyrics which had been pronounced on the speech of the right hon. Gentleman; but he trusted that he would not be led away to prefer rapid to cheap transit. Another point in which he (Mr. J. G. Phillimore) took great interest was the navigation of the Godavery. Were that river made practicable for 500 miles it would do more for India than any other step that could be taken, and it would enable us to grow cotton at a much cheaper cost than could be done by America itself. As to the extension of our territory, he looked upon every annexation with apprehension. Our object ought to be, not to extend, but to improve, our possessions.

MR. SEYMOUR FITZGERALD said, he must complain that the officers of the Queen's service were by the existing rules placed in a most injurious and degrading position. He could understand why a preference should be given to officers in the Company's service; but this was not a matter of preference, but of absolute monopoly. An officer in the Queen's service might be a most able and distinguished man, but he was shut out from all the honours and emoluments of his profession, as long as there was any Company's officer that by any possibility could be presented to them. The true remedy would be to amalgamate the two services; for he thought that there should be but one service, and that the Queen's.

MR. VINCENT SCULLY said, he thought it was unfortunate that the statement of the right hon. Baronet had not been made at an earlier period of the Session, and also that the Members connected with India were not in attendance in the House on so important an occasion. He thought the misfortunes of the people of India arose from the vice of the land tenures in that country, and he hoped the right hon. Gentleman would attend to that subject, as vicious tenures of land had been the ruin of the West Indies as well as of Ireland. The condition of the rural population of Poonah, in June, 1854, was of the worst description; they were literally famished, and thousands of them had been living on roots for the preceding four months, all because of the viciousness of the land tenures in that country.

SIR CHARLES WOOD said, he must beg to express the great gratification he felt at the approbation hon. Gentlemen had been pleased to bestow upon his statement. With regard to the observations upon minor points, he was quite aware that many improvements might be made. With regard to the debt, there might be found, at pages 43 and 44 of the Report, a full statement of it, and the interest paid. As to the universal confiscation of the property of Indian Princes, that was not near so universal as had been stated. He wished at the same time to correct a misapprehension under which his hon. Friend (Mr. V. Scully) laboured. Owing to the want of rain there had been last year a failure of the crops, and to that circumstance the destitution was to be attributed, and not to the state of the land tenure. With respect to the observations which had been made in relation to the Godavery, he had to observe that certain works had been recommended and executed for the improvement of the navigation, and that further works were contemplated for the like object, so as to carry the navigation, if possible, into the heart of the country, and render the river navigable as far as possible.

Resolved—

1. "That the total net Revenues of the Bengal Presidency, for the year ended the 30th day of April, 1852, amounted to 7,584,435*l.* sterling; and the Charges thereof for the same period, other than Military Charges, amounted to 1,926,362*l.* sterling."

Resolved—

2. "That the total net Revenues of the North Western Provinces, including the newly acquired Territory, for the year ended the 30th day of April, 1852, amounted to 5,670,715*l.* sterling; and the Charges thereof for the same period, other than Military Charges, amounted to 1,402,238*l.* sterling."

Resolved—

3. "That the net Revenues of Bengal and the North Western Provinces, together, for the year ended the 30th day of April, 1852, amounted to 13,255,150*l.* sterling; and the Charges thereupon, including the Military Charges, amounted to 8,770,830*l.* sterling, leaving a surplus available for the general Charges of India of 4,484,320*l.*

Resolved—

4. "That the total net Revenues of the Madras Presidency (Fort St. George), for the year ended the 30th day of April, 1852, amounted to 3,704,048*l.* sterling; and the net Charges thereof, for the same period, amounted to 3,204,273*l.* sterling, leaving a surplus available for the general Charges of India of 499,775*l.* sterling."

Resolved—

5. "That the total net Revenues of the Bombay Presidency, for the year ended the 30th day of April, 1852, amounted to 2,868,298*l.* sterling; and the net Charges thereof, for the same period, amounted to 2,847,392*l.* sterling, leaving a surplus available for the general Charges of India of 20,906*l.* sterling."

Resolved—

6. "That the total net Revenues of the several Presidencies, for the year ended the 30th day of April, 1852, amounted to 19,827,496*l.* sterling; and the Charges thereof amounted to 14,822,495*l.* sterling, leaving a surplus Revenue of 5,005,001*l.* sterling."

Resolved—

7. "That the Interest on the Registered Debt of India paid in the year ended the 30th day of April, 1852, amounted to 1,967,359*l.* sterling, and the Charges defrayed in England on account of the Indian Territory in the same period amounted to 2,506,377*l.* sterling, leaving a surplus of Indian Income for the year ended as aforesaid, after defraying the above Interest and Charges, of 531,265*l.* sterling."

House resumed.

MEDICAL GRADUATES (UNIVERSITY OF LONDON) BILL.

Order for consideration of Lords' Amendments read.

MR. MOWBRAY said, he rose to call attention to the circumstance that those Amendments excluded the University of Durham from the operation of the Bill, which had only been originally included in it after a very considerable discussion in that House. Now, he must say, after the question had undergone so complete an investigation—after the proposal had met with the sanction of Her Majesty's Ministers in that House, he was entirely unprepared to find, without any previous notification of such an intention, an Amendment made by a Cabinet Minister in the other House, and supported by another Cabinet Minister, to the effect of excluding the University of Durham from the Bill. Still he was not without hope that the noble Viscount the Secretary for the Home Department, on a reconsideration of the subject, would see fit to reinsert the name of the University of Durham in the Bill.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Wednesday, August 9, 1854.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund (Appropriation); Customs.
2ª Russian Government Securities.
3ª Militia (No. 2); Militia (Scotland).

RUSSIAN GOVERNMENT SECURITIES BILL—RESOLUTION.

EARL FORTESCUE *moved* the Resolution of which he had given notice—

> "That as regards the Russian Government Securities Bill, the war with Russia, and the attempt now making by that Power to procure a loan for the carrying on of that war, render it urgent that every means should be immediately taken to prevent any British capital from being applied to the objects of that or any future Russian loan during the continuance of the war; it is therefore reasonable that this Bill should, notwithstanding the late period at which it has been brought up from the House of Commons, be taken into immediate consideration; and if the House shall think fit so to order, be read a second time this day."

He had only to say, in asking their Lordships' assent to this Resolution, that whatever might be their Lordships' opinion as to the merits of the Bill, he thought they would agree that a measure which had for its object to defeat a great financial operation now being carried on by the Russian Government, after having passed the House of Commons by a large majority, ought not to be put aside without discussion in that House on the simple ground of its having come up from the other House at so late a period of the Session.

THE DUKE OF NEWCASTLE said, he should certainly support the Motion of his noble Friend, and, if it were agreed to by their Lordships, would then support the Bill of which his noble Friend was to move the second reading. He was not, however, at all prepared to say that this Bill, even in the form in which it had come up from the House of Commons, was rendered very necessary on account of the present state of the law, and he should be sorry to recognise any such proposition. At the same time the Bill had been denuded of many of the objectionable features which they had reason to believe it contained on its first introduction into the other House; and he should be sorry, either on the part of the Government or his own, to throw any obstacles in the way of passing a measure which had been considered by the other House of Parliament necessary to enable Her Majesty's Government to have more easily available means at command for checking the financial operations of the public enemy. He thought it desirable that their Lordships should know that Government had not neglected the subject to which the Bill referred. The moment that there was an announcement made on the Exchanges of this and other countries that Russia was about to endeavour to contract a loan, Her Majesty's Government, without twenty-four hours' delay, took the opinion of the law officers of the Crown how far it would be legal for British subjects to have any concern with a transaction the obvious intentions of which was to enable a foreign Power to raise forces which would be used for a purpose adverse to this Crown and nation. The law officers of the Crown gave it as their distinct and positive opinion that it would be high treason on the part of any British subject to be parties to such a transaction; and thereupon, without a moment's delay, his noble Friend at the head of the Foreign Office wrote to our Ministers at foreign Courts, and to the Consuls in the chief towns of the Continent, desiring them to make public intimation, and to spread it as widely as possible, that British subjects would incur this heavy penalty if they involved themselves in any transaction connected with the proposed loan. That their Lordships might see that these steps were as immediate as he had mentioned, he might state that even from the United States of North America answers had been received to the communications sent out at that time. This was not the only step taken by Her Majesty's Government; for they communicated also with our Ministers at foreign Courts, desiring them to make an earnest appeal to the Courts to which they were accredited, that they would, to the utmost of their power, throw obstacles in the way of this loan, inasmuch as we had a right to consider that its negotiation would be at variance with the character of neutrality or of alliance existing between these Courts and Her Majesty. Answers to those notes likewise had been received. He mentioned these facts in order that their Lordships might see, in the first place, that this question had not been neglected by Her Majesty's Government; and, in the second, that strong powers already existed to meet the case against which this measure was directed. At the same time, thinking it well, if it were possible, by making this offence a misdemeanor where the present law made it high treason, and thus mitigating the penalty, to render it more easy to thwart the enemy's measures—assuming that there might be some merit in the Bill — but, at any rate, feeling that it would be undesirable that their Lordships should throw it out when the other House had passed it for a limited but important object—feeling that it would do no harm, and might do some good—he trusted their Lordships would consent to the Motion of his noble Friend and pass the Bill.

Lord REDESDALE said, that after the reasons stated by the noble Duke, he certainly did not mean to offer any opposition to this Bill. As regarded the Resolution, he thought it quite clear that any measure which the Lower House sent up, even at this late period of the Session, having relation to the position in which the country stood at present, involved in war with Russia, did constitute a case of urgency. There could be no doubt whatever that the Resolution would allow the Bill to be proceeded with. With respect to the general question of their Lordships' Resolution of May last, he was decidedly of opinion that it would operate beneficially, by affording more time for the consideration of legislative measures in that House, and that it would thus work favourably to the conservation of the privileges of the other House of Parliament, as well as of their Lordships.

Resolution *agreed to.*

RUSSIAN GOVERNMENT SECURITIES BILL.

Order of the Day for the Second Reading read.

Earl FORTESCUE *moved* the second reading of the Bill. The noble Earl said, that notwithstanding the statement of the noble Duke, that everything that could be done by the Government, under the existing law, had been done to prevent British subjects from dealing in the securities to which allusion had been made, he could not but think that, in the present state of affairs, this measure was necessary. It should be understood that the Bill did not at all extend the severity of the common law or the pains and penalties of high treason beyond their present limits, but simply imposed the penalty of a misdemeanor on all British subjects, at home or abroad, who might knowingly or wilfully trade in Russian securities during the continuance of the war. There had been three principal objections, somewhat contradictory of each other brought against the measure—first, that it would be inoperative, inasmuch as it would be easily evaded; secondly, that it was unnecessary, inasmuch as no British subject would embark in such dealings; thirdly, that it would be a vexatious infringement of the freedom of the subject in commercial and monetary affairs. To these he would reply—first, that though hardly any Act could be so framed that the perverse ingenuity of some rogue might not evade it, this Bill at least made the law clear, and inflicted a penalty which could be easily enforced; secondly, that, though the higher class of our money dealers might scorn the dirty work, it was not clear that the gains of 2 or 3 per cent might not induce less reputable persons to take an interest in a loan of this description if they could do so with impunity; and thirdly, that there was no just ground for representing as oppressive to any one a simple measure of public security, taken at a moment when we were engaged in a contest of the most formidable character, to prevent the resources of our own country from being applied to the service of our enemy in carrying on that contest. Another objection which had been made was, that the measure was not introduced or taken up, in the first instance, by Her Majesty's Government. The noble Duke had stated the reasons why the Government had not introduced some such Bill. But, although the Bill was brought forward by an independent Member, it was generally approved of by the responsible Ministers of the Crown in the other House; and having been submitted to the law officers of the Crown, who made such alterations as they thought would confine its operation strictly to the objects which it was intended to effect, it had been sanctioned by very large majorities of that House. He wished it had been intrusted here to some one better qualified than himself to do justice to its importance, but, having been requested to move it by those most interested in its success, he had felt it his duty to do so, and he hoped that their Lordships would give it their support.

Moved, That the Bill be now read 2^a.

Lord CAMPBELL said, he did not rise to oppose the Bill, on the contrary he approved of it; and, he must say, he had never heard the object of any Bill more lucidly explained than had been done in the present case by his noble Friend. He could not help observing that the support given to the measure by the noble Duke (the Duke of Newcastle) on the part of the Government seemed to him but of a tepid, if not of a cold, description. He apprehended that by the common law of England any contract made between an English subject and an alien enemy during time of war was illegal, and, under certain circumstances, might amount to high treason. He did not, however, think that the common law by itself, and without the assistance of a statutable enactment, was sufficient to secure the attainment of the object now in view; because, by the law as it stood now, there was no power by which it could be enforced, and therefore, under certain circumstances, an English subject might deal in the scrip of a Russian loan with impunity. If, therefore, they passed the Bill as it at present stood, it would be almost entirely nugatory. He apprehended that one of the great objects sought by the measure was to prevent the negotiation of scrip by subjects of the realm of England in foreign parts; but as it stood at present it failed entirely in accomplishing that intention. He suggested, therefore, that that defect should be remedied by the insertion of a clause to the effect that any offence committed against the Act beyond the limits of the United Kingdom might be inquired into, dealt with, and punished in the same manner as if it had been committed in the county of Middlesex. Such a clause would be effective against the operations of British subjects in scrip of this description in Germany, France, or any part of the world; but, inasmuch as by the common law of the land indictable offences could only be dealt with through the medium of a grand jury, which could have no cognisance of an offence committed in a foreign country, with certain exceptions, under particular Acts, in the cases of felony, such a provision was absolutely necessary to render the Bill in any degree useful. He trusted, therefore, such a provision would be added in Committee, and he should be happy to give his assistance in drawing it up.

The LORD CHANCELLOR said, no doubt his noble Friend who had charge of the Bill would be most happy to avail himself of the assistance of the noble and learned Lord in preparing such a clause, which, however, might be more conveniently added on the third reading.

Earl FORTESCUE said, he felt fully the value of the suggestion urged by his noble and learned Friend (Lord Campbell), but he feared, considering the near approach of the prorogation of Parliament, that any alteration of the Bill would be fatal to its passing during the present Session.

Lord CAMPBELL did not wish to throw the slightest obstacle in the way of the Bill passing; but he assured the House if it was adopted in its present state it would not be of the slightest value, and he therefore hoped that such a clause as he had suggested might be added, notwithstanding the late period of the Session.

The Duke of NEWCASTLE said, he thought his noble and learned Friend had amply justified him for the "tepid" support which it was said he had given to the measure; for he (Lord Campbell) had clearly proved that if it was passed in its present form, it would be utterly and entirely useless. He (the Duke of Newcastle) was not willing to pass a measure which, in the opinion of so eminent a Judge, would be a dead letter, but would rather allow it to drop if it was to remain liable to such condemnation. What he should propose was, that they should now pass the second reading, negative the Committee, and fix the third reading for the following day; they could then add the clause suggested by his noble and learned Friend, to which there would still be time to obtain the assent of the House of Commons.

Bill read 2ª; Committee *negatived;* and Bill to be read 3ª *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, August 9, 1854.

Minutes.] Public Bills.—3° Consolidated Fund (Appropriation); Incumbered Estates; Legislative Council (Canada); Customs.

SLAVE TRADE TREATIES BILL.

On the Question that the Consolidated Fund (Appropriation) Bill be read a third time,

Mr. HUME said, he wished to draw the attention of the House to the important Report which had been recently laid on the table by the Committee on Slave Trade Treaties appointed last year. That Report was in many respects of an exceedingly gratifying character. Captain Seymour, of Her Majesty's ship *Firefly*, the last officer from the West Coast of Africa, had stated in his evidence that the slave trade had entirely ceased in many places where it had formerly flourished, and that in the years 1850–51, on the whole coast, not one vessel with slaves on board was captured; that a legitimate trade was springing up along the whole coast in the produce of the country; that he had lately counted at Benguela (formerly a noted slave park) as many as fourteen merchant vessels at one time, all engaged in legitimate commerce; and that, in fact, wherever the slave trade had ceased, commerce was commencing. The Committee said it had been stated to them that if the demand for slaves at Cuba were to cease, the slave trade in Africa would also cease; for it appeared that as soon as the market of the Brazils was closed, the slave trade on the West Coast of Africa, south of the line, was all but put an end to. Captain Seymour also said that if the market at Cuba were abolished, very few British ships of war would be required on the African coast, and those only for the protection of our commerce which was now becoming very large. Captain Cospatrick Baillie Hamilton, of Her Majesty's ship *Vestal*, likewise reported to the Committee the great publicity that existed as to the carrying on of the slave trade in the island of Cuba. He stated that slave vessels had been fitted out under the guns of Spanish ships of war; that great facilities were afforded to the importation of negroes, for when once a landing had been effected, they were considered as natives; and that steam vessels, employed in carrying the Government mails from port to port, had been used to land slaves. Mr. Craufurd, who had rendered many meritorious services in the suppression of the traffic, stated in a recent despatch, that in the last seven months there had been more activity shown in the slave trade than during any previous period since 1844. That Gentleman gave a list of 10,000 slaves that had been landed in Cuba in the last six months prior to the date of his letter. On this point the Report of the Committee contained the following important paragraph—

> "Your Committee concur in the opinion of these naval officers, that the slave trade would soon be extinct if the Cuban market were closed; and, therefore, consider the present time, when there are Spanish troops at every port and station

of the island, and also numerous Spanish ships of war cruising on the coast, most favourable for the renewal of the united efforts of Great Britain, France, and the United States, to remove the reproach which the continuance of the slave trade in Cuba casts upon the civilisation of Christendom."

The great obstacle to the abolition of the Cuban slave trade, however, had been the venality of the Spanish officials; and it was not surprising that such should be the case, when it was borne in mind that even members of the royal family were mixed up in these disgraceful transactions. The Report further said—

> "Other witnesses have stated to the Committee, that it was quite notorious at the Havanna that money was taken by the public officers of all ranks, from the Captain General downwards, for their connivance at the traffic in slaves; and further, that capital, notoriously belonging to Spaniards of great distinction at Madrid, was employed to carry on that traffic. That, in fact, the influence of these persons of rank and station at Madrid was believed to have been sufficiently powerful to procure the recal of an honest officer. That thus the Spanish Government have been induced to violate their treaties, and to suffer these persons to obtain large profits, by the continuance of that detestable traffic."

On this particular point the Report made the following pertinent remarks—

> "Your Committee are of opinion that history does not record a more decided breach of national honour, than the letter of the Earl of Aberdeen establishes against Spain. The efforts of Viscount Palmerston, in subsequent years, to induce the Spanish Government to fulfil their engagements, appear in every despatch of that noble Lord, and it would be superfluous to detail them."

The House of Lords had also had a Committee on the slave trade. They reported that—

> "In their judgment it was worthy of consideration whether the three great maritime powers, France, the United States, and Great Britain, could not, at the present time, be brought to combine in joint representations, and, if need be, active measures for obtaining from Spain and Brazil an actual suppression of this traffic."

He (Mr. Hume) thought that as Queen Christina, who had been the chief abettor of the Cuban slave trade, had been happily expelled, a favourable opportunity now offered itself to Her Majesty's Government, in concert with the other powers, to press upon the new Government of Spain the necessity of fulfilling their engagements. He had intended to have moved an Address on the subject, but as the forms of the House would not now allow him to do so, he was perfectly satisfied to leave the matter in the hands of the Government, who had done everything, he believed, in their power to manifest their good will for the suppression and final extinction of this iniquitous traffic.

LORD JOHN RUSSELL: Sir, in reference to the observations which have just fallen from my hon. Friend the Member for Montrose, I may state that it is no doubt a disgraceful proceeding that, after Great Britain, France, the United States, and all the maritime powers of Europe—that after the Empire of Brazil has rigorously prohibited the slave trade—the traffic in slaves should still be carried on in the island of Cuba under the protection of Spain. Some measures have, however, lately been taken upon the part of the Spanish Government, with reference to the question of the suppression of the slave trade, to which no allusion is made in the Report to which my hon. Friend has just called the attention of the House, and to those measures I shall now briefly refer. In the month of February, 1854, there was an order of a most stringent character issued, containing regulations according to which captured slaves recently brought into the island should be liberated. Now, this decree may seem to be one which is hardly in accordance with those just expectations with respect to the measures which ought to be resorted to for the suppression of the slave trade which the people of this country and of the civilised world entertain. Mr. Craufurd, however, to whom my hon. Friend has just adverted in terms of deserved praise, places faith in the sincerity of the intentions with which that decree was framed, and describes its operation as being one of a beneficial character. It has been acted upon on several occasions, and has been followed by the enactment of further regulations of a corresponding nature, which regulations, also, the executive authorities in Cuba have carried into effect. In the month of March last 600 newly-arrived slaves were captured by those authorities, and an order was subsequently issued to the effect that all persons holding civil authority in the island of Cuba who should fail to report the arrival of any fresh supplies of slaves should be dismissed from their offices, and should afterwards be subjected to further penalties. In the month of May last a further importation of 600 negroes were landed upon that island, and were placed upon a certain estate, where it was believed that they might remain undiscovered and in security. The Governor General, however, having ascertained the fact, appealed to the tribunal empowered to deal with those cases, stating that the importation in question was one of a contraband nature; and having subsequently issued an order under which the 600 negroes were seized upon the estate and then liberated, the whole of the proceeding was by the verdict of the tribunal held to be justifiable. Other measures have also been adopted by the Governor General which show that he is quite in earnest in the endeavour to suppress the slave trade in Cuba. Several officers who did not obey his orders in this matter have been superseded, and an intimation has been conveyed to the others that unless they duly discharge the duties imposed upon them with reference to it they will be immediately removed from their offices. Now, it is quite obvious that, if such measures as these are carried fully and fairly into effect, the importation of slaves into Cuba will be prevented. Under the existing law in that island it is provided that the number of slaves upon each estate should be registered; and, therefore, when any large number—such, for instance, as the 600 negroes to which he had just adverted should be registered all at once by any estate-holder—that circumstance would in itself be sufficient to excite suspicion, and to direct towards it the attention of the authorities. With respect to that venality upon the part of the Spanish Government to which my hon. Friend has referred, and by which all our endeavours completely to suppress the slave trade have hitherto been frustrated, I can only say that I hope it is now at an end. It is a notorious fact —and therefore I can have no hesitation in alluding to the matter now—that Queen Christina has derived very considerable profit from the traffic which has been maintained in slaves in the island of Cuba. Changes, however, have of late taken place in the Spanish Government. General Concha has been made Governor General of Cuba, while Espartero, Duke of Victoria, is at present at the head of the Spanish Government. Now, with respect to the latter nobleman, I have known him long, and I have every reason to say that a person of greater integrity, or one animated by more liberal views upon every subject, could not be found. I am quite sure that he will discountenance the slave trade, and that anything like the venality and corruption hitherto practised in Spain with respect to it will from him meet with the severest reprobation. I only trust that he may be enabled to impress upon the new Government of Spain, and upon all the Spanish authorities, that the whole credit of his administration would be forfeited if this disgraceful traffic in slaves is allowed to be continued in future. I quite agree with my hon. Friend that we should as earnestly as possible, and at as early a period as we can, impress upon the new Government of Spain the necessity which exists for adopting such measures as may put an end to the trade in slaves. We know perfectly well that my noble Friend Lord Aberdeen has urged repeatedly, with reference to Spain, that it only required the possession upon her part of earnestness and sincerity to effect that which the exercise of those qualities has, in the case of France, Great Britain, and every other country, already accomplished. I agree with my hon. Friend in thinking that it is not necessary to move an Address to the Crown upon the subject of his observations. He may be well assured that the Government will keep a watchful eye upon the question, and that, setting aside all interested motives so far as we ourselves are concerned, the accomplishment of that great work—the total suppression of the slave trade, and the consequent civilisation of Africa—is an object which the Government will continue to have always at heart, and is one which I trust we shall be enabled to attain.

Sir GEORGE PECHELL said, he would entreat the noble Lord to take advantage of the present favourable moment to renew the endeavours of this Government to induce Spain to put an end to the slave trade in Cuba. One very great difficulty which had hitherto existed in our efforts to prevent the abominable traffic was the non-sufficiency of cruisers on the coast of Cuba, and the fact that they were not of a proper description. It was almost useless to employ vessels which drew more than eleven feet of water, and which were incapable of chasing slavers into the shallow waters on the coast of Cuba.

Question again put.

FINANCIAL OPERATIONS OF THE GOVERNMENT.

Sir H. WILLOUGHBY here rose, and said, he wished to call the attention of the House to two or three points of recent financial operations. At the commencement of the present Session the right hon. Gentleman the Chancellor of the Exchequer, on behalf of Her Majesty's Government, appeared to lay down the very important principle that, though we were carrying on an expensive war, the supplies which would be necessary to be raised within the year should be defrayed by funds derived from taxation within that year. Now, he very much doubted the possibility of their succeeding in that object. The first question he wished to ask was, how we stood in that respect? The first Budget of the right hon. Gentleman assumed an expenditure of 56,000,000*l.*, and a short time afterwards that estimated expenditure was increased to 62,000,000*l.* He apprehended it was pretty certain that, including the Vote of Credit of 3,000,000*l.*, the expenditure of the country during the year would be from 64,000,000*l.* to 65,000,000*l.*, and, indeed, he greatly suspected that that would not be the whole expenditure within the year, when we came to the end of the financial year 1854-5. Taking it, however—as it appeared from the papers on the table of the House—at something between 64,000,000*l.* and 65,000,000*l.*, the question he wished to put to the right hon. Gentleman was this—Would the expenditure be defrayed by taxes within the year; or, if that were not possible, and the principle which was laid down at the commencement of the Session could not be carried into effect, to what extent would the right hon. Gentleman be compelled to abandon that principle? Or, in other words, what amount of debt, in some shape or other, must this country contract in order to meet the amount of its expenditure? In addition to the ordinary expenditure, he would remind the right hon. Gentleman that there was a little bill to the amount of some 805,000*l.* presented by the East India Company for the balance of expenses during the Chinese war, and he should be glad if the right hon. Gentleman would explain whether this entered into his calculations. There was another point to which he wished to direct the attention of the right hon. Gentleman and of the House. He observed that the right hon. Gentleman had been selling savings bank stock; and he (Sir H. Willoughby) confessed that he took a very serious view of that operation. It appeared that in the month of June last the right hon. Gentleman had in ten sales disposed of 617,000*l.* worth of three per cent savings bank stock, at prices varying from ninety-one to ninety-four and a fraction. He also perceived that in the same month the right hon. Gentleman had bought on account of the savings banks 750,000*l.* of Exchequer bills. [The CHANCELLOR of the EXCHEQUER: Not Exchequer bills.] Well, perhaps, the right hon. Gentleman would give them some explanation upon that point; but he (Sir H. Willoughby) had certainly understood that those were the bills which had been bought. At all events, some species of public bills had been purchased by the right hon. Gentleman to that amount; and, in his opinion, that was a very serious transaction. Now, he wanted to know if the House could think it a safe system of finance that, with the large amount of stock to the credit of the savings banks, any Chancellor of the Exchequer should be allowed to exercise a power of selling savings bank stock and of buying any species of bills? Could it be right and fair that any Chancellor of the Exchequer should have this general power, without the knowledge of the public and without the authority of this House, to convert this stock and to buy bills? This seemed to him a most dangerous power—one which was most injurious to the savings banks, and which was also a most injurious transaction as regarded the public, who looked to the stocks as operated upon only by sales between individuals or by such transactions as were authorised by that House. He would also ask, did the right hon. Gentleman contemplate converting any of this stock into new three per cent stock? It was now in the power of any Chancellor of the Exchequer, without leave or licence from that House, to create what was virtually a new and fresh debt, and to add to the amount of the three per cent stock of this kingdom. This was a monstrous power and one which, if it were well understood, he believed that House would not give to any Minister. He contended that the operation to which he referred was a loss to the savings banks, and this point involved a great constitutional question. He admitted that the extent to which the transaction had gone in the present year was not very great; but we knew that, when Lord Monteagle was Chancellor of the Exchequer, these operations had gone on to a great extent, and had led to very serious loss. He hoped that upon the points to which he had referred the House would receive a satisfactory explanation from the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Baronet has divided his remarks, and I will also divide my reply to them, into two branches. The first relates to the general state of the public revenue and expenditure; and the second relates to the savings bank stock. Now, with respect to the state of the public revenue and expenditure, I really do not think I can add anything to what I stated to the House at considerable length on two former occasions in the course of the present Session. I am very happy to be able to say, that although a time of war is necessarily a time of very great uncertainty; although it is a time when you may naturally expect your expenses to run beyond your estimates, and your revenue to fall short of them, yet at the present moment—on the 9th of August—I do not see any reason, in any respect, to retract or qualify any estimate I made, or any expectation I held out to this House—on the 8th of May—when I submitted to them the financial statement on which the subsequent proposals of the Government, and the subsequent Votes of the House, with respect to our financial arrangements, were founded, I am bound to say, that up to the present moment I am entirely satisfied with the state of the revenue and finances of the country. I think I may as well take this opportunity of giving an explanation to the House, which will not occupy me many minutes, with reference to the last quarterly statement of the revenue, which seems to have made upon the minds of some persons an impression less favourable than the facts of the case would, in my opinion, warrant. It will be recollected that the last quarterly statement of the revenue showed a decrease, as compared with the statement of the corresponding quarter of the preceding year, in the permanent branches of the revenue, to the extent of about 570,000*l.* But I consider it right that I should show the House how dangerous it is to form hasty judgments from statements of that character, which are very partial, and which are, perhaps, not so happily adjusted and arranged as they might be. With regard to the last quarterly statement, I think I can show that the apparent decrease of revenue which it exhibited was entirely fallacious; and I will now proceed to point out why it was fallacious. In the first place, it must be recollected that last year the House was pleased, on my Motion, to pass a Bill authorising the payment of advances for metropolitan improvements. The first effect of that measure was, that in the second quarter of the year 1853 a sum of about 140,000*l.* was paid to the credit of the land revenue of the Crown as being due to it on account of the transactions of former years. This 140,000*l.* had, of course, nothing to do with the revenue of that year; but although they had nothing to do with the real revenue of the year, they formed an apparent portion of the receipts during the second quarter of the year 1853, and in comparing the revenue of the second quarter of that year with the revenue of the corresponding quarter of the present year, which shows, according to the published statement, a deficiency of 570,000*l.*, you must deduct from that deficiency, in the first place, this 140,000*l.* There is another item in the statement which I wish to explain to the House. On the 6th of April of the present year there was a fall in the tea duty, and, as might naturally be expected, there was a desire among parties engaged in the tea trade to release a considerable quantity of the article at as early an hour as possible on the 6th of April. The practice of the Custom House officers in such cases is to receive the duty on the day preceding that on which the tax on an article of which a large quantity is to be released is to be reduced, and the consequence was, in the instance to which I am now referring, that no less a sum than 233,000*l.*, as well as I can recollect, which were entirely due to the revenue of the second quarter of the present year for goods taken out on the 6th of April, went to the revenue of the first quarter of the year, because it had been received on the afternoon of the preceding day. And let it not be said that this money was really due to the revenue of the first quarter of the year, on the ground that the tea trade had remained stagnant throughout that first quarter in expectation of a remission of the duty. That latter statement is, no doubt, perfectly true; but it is also true that there was a precisely similar stagnation, or rather a much greater stagnation in 1853, prolonged from December, 1852, till May, 1853; and thus 233,000*l.* more were due to the second quarter of 1854. These two items will reduce the apparent deficiency of 570,000*l.* in the revenue of the last quarter by a sum of 373,000*l.* There is another point in reference to the last quarterly statement of revenue to which I must now beg to direct the attention of the House. That statement referred to England and Scotland only, and did not include Ireland. If it had included Ireland, and if it had given us the revenue of the United Kingdom, which is, of course, what we have to deal with, and not the revenue of England and Scotland only, in attempting to arrive at any complete and accurate conclusion upon this subject, you would have found an addition to the apparent revenue of the last quarter, which would have disposed of all the remaining portion of the deficiency of 570,000*l.* which it exhibited; so that, in point of fact, although we are comparing the revenue of a period of war with the revenue of a period of peace, although we are comparing the revenue of a period of dear money with the revenue of a period of cheap money, and although we are comparing the revenue of a period of dear bread with the revenue of a period of cheap bread, yet the revenue of the second quarter of the present year, derived from permanent sources, and fairly estimated, equals that of the corresponding quarter of last year, notwithstanding the great reductions of taxation that had in the interval come into operation. Now, I say that that is a satisfactory statement. With regard to the state of the demands on us, I do not think it would be desirable, and I do not suppose the hon. Baronet could expect, that I should repeat the figures which I laid in great detail before the House at an earlier period of the Session. I must, however, correct the hon. Baronet when he says that I undertook at the commencement of the Session to lay down the principle that the cost of the war during the year should be paid out of the taxes of the year. On the contrary, I am sure the hon. Baronet, and, indeed, his speech contained the avowal, must be aware that I always pointed out to the House that it would be impossible to raise the new taxes within the year, and that, therefore, a temporary advance, which should, of course, be borrowed in some form or another, would be absolutely necessary for the present year. What has the House done? It has provided us with taxing powers which, when added to the available surplus of revenue, will realise a sum equal to the expenses of the war as they have been estimated for the year; and the money that is to accrue from the taxes laid on in the present year, when it shall have been received, will, I have no doubt, be fully equal to the amount of those expenses, and will, if by any good fortune we should, on the 5th April next, have a peace, be sufficient to enable us completely to liquidate those expenses up to that date without adding a shilling to the national debt. I make that statement as far as we have gone at present, without at all attempting what it could never be safe to attempt—without at all attempting to prophecy for the future. All that I venture to state is that none of the appearances presented to us on the 8th of May have as yet been falsified, or in any way rendered less encouraging on the 8th of August. The total addition to the expenditure between the 5th of April and the 29th of July in the present year, which is about sixteen weeks, as compared with the expenditure of the corresponding period of 1853, is about 3,500,000*l.*, and these figures give me reason to suppose, as far as they go, that there will not be at any rate that extravagant departure from our Estimates which undoubtedly in former wars the House had the most serious reason to lament. But, at the same time, I cannot speak with confidence on the matter, for confidence in such a case would undoubtedly be presumption. The provision made by the House, not only with respect to the taxes, of which a large portion cannot be available before the 5th of April next, but also with respect to the money for the purpose of meeting the immediate necessities of the war, has been liberal and ample; and I think it quite possible that I may not even be compelled to use it to the full amount. Speaking from memory, and in round numbers, I may state the case thus. 4,000,000*l.* of Exchequer bonds have been negotiated, and 3,000,000*l.* of that sum have been received. There is an unexhausted power of issuing Exchequer bills still remaining to the amount of about 600,000*l.* or 700,000*l.*, and the amount of Exchequer bills in the market is lower than usual, being, I believe, only about 16,500,000*l.* As respects the balances of the public money, I consider they are in a satisfactory state, and I have not the least expectation of my being under the necessity of calling on the Bank for the use of any funds which are properly its own. The balances in the Exchequer, which were only about 2,000,000*l.* on the 5th of April, rose on the 5th of July to 3,610,000*l.*; and on the 10th of October I expect that they will amount to about 4,500,000*l.* I do not, therefore, think it will be necessary for us to take any special measures, as far as I can judge, with a view to increase the balances in the Exchequer. And now, without troubling the House further with details of finance which have been already laid before them with the utmost completeness, I think I must be content with furnishing the information I have just afforded upon that subject. The hon. Baronet has alluded in the course of his observations to the claim of the East India Company for a sum of about 800,000*l.* That claim was a legacy bequeathed to us by a former Government. It was long a subject of controversy, and it was highly desirable, and propriety required that it should be brought to some conclusion; and, indeed, the East India Company were as anxious for its settlement as we were ourselves. It is perfectly true that the East India Company made a claim of that kind. That claim has been, however, I am bound to say, deliberately disallowed by us; and, I believe, that is a decision in the justice of which this House will acquiesce. But, at the same time, as my hon. Friend the Member for Honiton (Sir J. W. Hogg) has given notice of his intention to bring the case under the notice of the House at an early period in the next Session, I do not think that I ought to forestall its decision, or to enter into any explanation of the grounds on which the Government have proceeded in disallowing the claim. I now come to the second question opened by the hon. Baronet with respect to what he termed the sale of stock belonging to the savings banks, and the purchase of Exchequer bills with the proceeds of that sale. There is here an old quarrel between the hon. Baronet and myself, which I am afraid we can never settle. He insists on calling the stock held by the Commissioners of the National Debt the stock of the savings banks. But I believe it is no more the stock of the savings banks than any stock which may happen to belong to him or to any other Member of this House. The savings banks have nothing to do with it. If that stock were increased twofold the savings banks would not be a penny the richer, and if every farthing of it were pitched into the bottom of the sea the savings banks would not be a penny the poorer. It is a stock not standing to the credit of the savings banks, as the hon. Baronet supposes, but standing to the credit of the National Debt Commissioners, and being in law their property, and theirs only. That which stands to the credit of the savings banks is only a certain sum of money, and not a stock in the books of the National Debt Commissioners, that sum representing the actual receipts of the Commissioners from the savings bank depositors, with the interest credited to their account. That is the property of the savings banks and nothing else whatever. It has no connection except in the imagination of some hon. Gentlemen in this House, and elsewhere perhaps, with the position of the savings banks. But at the same time that stock is the fund placed by Parliament in the hands of the National Debt Commissioners, in order to enable them to meet the calls upon them. It is not in the power of the National Debt Commissioners to control those calls; for they are calls which must be met absolutely. What is the state of the case?. Why, the state of the case is, that, generally speaking, when money is cheap, and when the price of the funds is high, the labouring classes save a good deal of money, and the deposits in the savings banks become much larger than the outgoings; considerable sums are then sent up to the Commissioners for the National Debt, which it is their duty to invest in the public securities, and which very frequently, no doubt, they do invest at high prices. At other periods you have money dear, and the pressure on the labouring classes, or, as at present, not so much the pressure on the labouring classes, as the demand for emigration, necessitate the withdrawal of a good deal of money from the savings banks. The same result is produced by the popularity of the building societies, and other modes of investing money; and large demands are then made on the National Debt Commissioners. This year happens to be one in which the calls made on them have been very considerable, and have very greatly exceeded the sums they have received. The hon. Baronet says that I sold out 500,000*l.* or 600,000*l.* worth of stock, at prices varying from 91 to 94, whereas at former periods large quantities of stock have been bought at a much higher price; and he says that that is a very improvident proceeding. Why, Sir, there never was a more gross *non sequitur.* What I had to consider was, not the price at which they were bought, but the possible terms on which I could provide for the calls made on the savings banks and consequently upon the National Debt Commissioners. Suppose every farthing of the stock had been purchased at par; suppose the price of the stock was 90, and suppose that I had foreseen with certainty that the price of stock must fall and that the drain would continue, of course it would have been my duty to sell at 90 rather than wait until the funds should fall to 85, and that is the principle on which I acted this year. I am happy to say that the tide seems now to be turning, and that the drain has of late become greatly diminished. But having seen that heavy drain going on, it was my duty to provide for it, and the question for me to consider was, whether the price of stock was such as to make it my interest to take the opportunity of making that provision at the present time, or to wait and take my chance of the harvest, of the war, and of the state of the money market. I certainly thought that we had a few weeks ago an extraordinary high price of the funds. There is no doubt about that; it was observed by everybody. We had the funds running up from 91, to 92, 93, and 94, during a period of war, and with the rate of discount at 5½ per cent. That was a state of things little less than marvellous, and it was one which I could not expect would continue. Having this drain going on to the extent of 30,000*l.* or 40,000*l.* a week, it was my duty—and I think the proceeding was a provident one—to avail myself of the state of the money market, and to raise money by the sale of stock, and that was the course which I pursued. I was very glad, therefore, that the hon. Baronet mentioned the circumstance, for I consider it a provident proceeding on my part to have taken advantage of that state of the money market, and to have realised some of the money at the high prices then prevailing, rather than sell from week to week, with the certainty of stock being lower. I thought it was wise and expedient to replenish the balance which I held at the time, as I found I could do so with great advantage to the public. But the hon. Baronet says that I not only sold savings bank stock, but that I purchased with the proceeds Exchequer bills. There is a little mistake of the hon. Baronet in that statement, because the bills which I purchased were not Exchequer bills, but Consolidated Fund bills, which are securities of a different character. The latter securities are, in point of fact, deficiency bills, payable at par on quarter day. The taking up of these Consolidated Fund bills was a very simple operation. They amounted to 500,000*l.*, and if I had not taken them up through the National Debt Commissioners I should have paid interest on them to the Bank at the rate of 2*d.* per day, or 3*l.* 8*s.* per cent per annum. I believe that the measure I have adopted was a much better one than buying Exchequer bills. If I purchased bills in order to meet the drain on the savings banks, I must have afterwards gone to the money market and sold them—an operation which would have been very inconvenient, and which would have tended to disturb and depress that market. The hon. Baronet need not entertain any apprehension that in respect of these bills there is the slightest intention to create a new stock. I entirely demur to the doctrine of the hon. Baronet that the consolidation of Exchequer bills last year was a creation of a new debt; it was merely a funding of Exchequer bills. But, at the same time, this is a transaction of an entirely different character, and these bills have no connection with the creation of a new stock. I informed the hon. Baronet, at the commencement of the Session, in reply to a question which he addressed to me, that there was no intention of creating any new stock—that it was impossible to give any pledge upon such a subject, or to foresee what the public interest might require; but that, as far as the Government could then see, they had no such intention. This is a simple fact. It has had nothing to do with the creation of a new stock; it is an economical arrangement, and one which I am sure will meet with the approval of the House. That is all the information I have now to give upon the subject; and I hope I have fully answered the questions of the hon. Baronet.

Mr. WILKINSON said, it appeared to him that the Government were placed in a very disadvantageous position by an arrangement which compelled them to purchase in the market when stock was high, and to sell stock when it was low. In his opinion some much better arrangement might be adopted, and he hoped the right hon. Gentleman would direct his attention to the improvement of the present system.

The CHANCELLOR of the EXCHEQUER: I have been endeavouring to make a thorough investigation of the matter, in order to see how the system has worked. I have lately had a statement prepared, but which is not quite completed, from which it appears that the average price of all the purchases in the Three per Cent Stock by the National Debt Commissioners is 91 1-16th, and that the average price of all their sales in the same stock has been 87⅞, and therefore so far as the principal operation of the National Debt Commissioners is concerned, their sales have realised less than their purchases by the difference between 87⅞ and 91 1-16th. But in another description of stock, namely—the Three-and-a-half per Cents—they have bought at 95 13-16ths and sold at 96⅛, thereby realising a profit, although not a very considerable one. I shall direct my earnest attention to the subject, with a view to devise some improvement of the practice which has hitherto prevailed.

Sir HENRY WILLOUGHBY said, he had not made the mistake imputed to him by the right hon. Gentleman of confounding money with stock. What he wished to hear from the right hon. Gentleman was, a denial that the savings banks money, which he believed to be a sacred trust, had ever been used for State purposes, or to sustain the Exchequer-bill market.

Mr. HUME said, that he had some years since laid Resolutions on the table of the House, showing, that up to that period there had been a loss of nearly 3,000,000*l.* to the country, and it had now, he believed, reached to very nearly 5,000,000*l.* He had endeavoured year after year to prevent this waste of public money, but his efforts had been futile. He trusted, however, that the Government would see the necessity of remedying so glaring an evil. He hoped that the result of the discussion would tend to cause inquiry into the causes of loss sustained by the public. At present one source of loss arose from greater interest being paid than the average rate of interest, and losses also arose from other causes.

The CHANCELLOR of the EXCHEQUER: I wish to remind the hon. Member for Montrose that I have introduced a Bill on the subject of the interest paid by savings banks, but that it has been impossible to proceed with it during the present Session. I must, however, protest against the doctrine that the savings-banks money is trust money; it is no more trust money than money in the till of a private banker.

Bill read 3°, and *passed.*

INCUMBERED ESTATES (WEST INDIES) BILL.

Order for Third Reading read.

The CHANCELLOR of the EXCHEQUER said, he wished to say a few words on the subject of a gentleman who was the chairman of the Exchequer Loan Commission, Mr. Benjamin Harrison, who had, without honour or remuneration, devoted his services to the benefit of the public, and who had established a strong claim upon the gratitude of the country. He did not think that there was any other country in the world where cases could be found of gentlemen of information, of experience, and of substance, who were willing to give their services for no reward at all. Happily, in this country such cases were frequent, but he thought that the House would feel that it was right that such instances should be held up for public approval, in order that the approbation of a body of gentlemen like the British House of Commons might operate as a reward to those persons who had rendered such services to the State, and might at the same time encourage others to come forward and render similar benefits to their country.

Mr. HUME said, he rose to express his concurrence in what had fallen from the right hon. Gentleman with regard to Mr. Harrison.

Bill read 3°, and *passed.*

EAST INDIA COMPANY'S REVENUE ACCOUNTS.

Mr. J. WILSON *brought up* the report on the Resolutions.

Mr. HUME said that, as last night the hon. Member for Horsham (Mr. Seymour Fitzgerald) accused the East India Company of acting partially against the Queen's officers, he wished to observe that the Queen's officers experienced no injustice, and that up to the present moment it was the Company's officers who had to complain that the higher commands were not given to them. A Queen's officer, Lieutenant General Anson, had just been promoted over the heads of eighty-two Indian lieutenant generals to command the troops at Madras. With reference to his observations on Lord Dalhousie, he wished to explain that, in speaking yesterday, while he condemned one part of his Lordship's conduct, he also took occasion to do the noble Lord justice as an executive officer, being of opinion that, in many respects, his services were above all praise.

Mr. SEYMOUR FITZGERALD said, he would admit that, as regarded the higher commands, appointments were given to officers in the Queen's service to the exclusion of officers in the Company's service; but what he desired to call attention to was, the absolute exclusion from general staff appointments of Queen's officers.

Resolutions *agreed to.*

The House adjourned at Four o'clock.

HOUSE OF LORDS,

Thursday, August 10, 1854.

Minutes.] *Sat first in Parliament.*—The Lord Granard, after the death of his Grandfather.

Public Bills. — 2ª Mayo County Advances Consolidated Fund (Appropriation); Customs.

3ª Russian Government Securities; Militia (Ireland); Militia Ballots Suspension; Militia Pay; Mayo County Advances.

Royal Assent. — Public Revenue and Consolidated Fund Charges (No. 2); Burials beyond the Metropolis; Land, Assessed, and Income Taxes; Spirits (Ireland); Youthful Offenders; Valuation of Lands (Scotland); Usury Laws Repeal; Benefices Augmentation; Stamp Duties; Marriages (Mexico); Crime and Outrage (Ireland); Standard of Gold and Silver Wares; Inclosure, &c., of Land; Parochial Schoolmasters (Scotland); National Gallery, &c. (Dublin); Merchant Shipping; Towns Improvement (Ireland); Duchy of Cornwall Office; Public Health; Bribery; Court of Chancery; Friendly Societies Acts Continuance.

MONUMENT TO THOMAS CAMPBELL THE POET.

Lord CAMPBELL wished to put to the noble Earl at the head of Her Majesty's Government a question of which he had given him notice. He mentioned the subject he was about to bring under their Lordships' attention at the request of the executors of one of the greatest of our poets — Thomas Campbell. He (Lord Campbell) was present when the remains of that distinguished man were deposited in Westminster Abbey, and he saw on that occasion the Earl of Aberdeen, the late Sir Robert Peel, Lord John Russell, and many of the most illustrious characters in this country, assembled to do homage to the genius and virtue of the departed poet. It was a matter of satisfaction to all who felt an interest in the honour of the country, that the remains of Thomas Campbell were deposited in Westminster Abbey, and it was agreed that a subscription should be made with the view of erecting a monument to his memory in Poets' Corner, amid the memorials of men who had done so much honour to English literature, and a statue had been accordingly completed by an eminent sculptor. The subscribers included persons of all ranks, from the Queen to the humblest individuals in the kingdom. But, of course, before the statue could be erected, it was necessary to obtain the permission of the Dean and Chapter of Westminster. The Dean and Chapter made no objection, and could make no objection, to any of the writings of the deceased. They knew him to have been a sincere Christian; they knew that he was not only the poet of liberty but of order, and that all his writings tended to promote the cause of morality and religion. Thomas Campbell was also the author of poems which not only celebrated the naval glories of England, but which would perpetuate those glories. Although, however, the Dean and Chapter offered no objection to the erection of a statue, they made a pecuniary demand. The executors of the deceased had paid a sum of 73*l.* 5*s.* 2*d.* for the grave, and they paid a further sum of 7*l.* 7*s.* for leave to put the name of the poet upon the stone that covered the tomb. But now the Dean and Chapter further demanded 210*l.* for two square feet of ground to be occupied by the pedestal of the statue. The subscription that had been raised for providing the statue was exhausted, although very moderate compensation had been given to the distinguished artist by whom the statue was executed. There were, therefore, no means of paying the demand made by the Dean and Chapter. A representation had been made to them upon the subject, but they were relentless; they said they must have the 200 guineas, or the statue should never enter Westminster Abbey. The statue had consequently remained for five years in the studio of the artist, having been excluded from that national temple for which it was destined. He should have thought that the Dean and Chapter would have waived their claim in order to do honour to the memory of so distinguished a poet; but although repeated representations had been made to them they still persisted in their demand. The Dean and Chapter received grants from the public funds for the repairs of the Abbey, and they had therefore no right to act as if the edifice were the mere private property of the corporation, instead of being national property. The Dean and Chapter could not say in one breath that the Abbey was the national Pantheon, while in another they maintained that it was their private property. He thought their Lordships would agree that this was a state of things which should not continue to exist. He was convinced that the noble Earl (the Earl of Aberdeen) took as lively an interest in everything that concerned the honour of the country as could be felt by any individual, and that he would be most anxious that this reproach should be wiped away. He (Lord Campbell) begged, therefore, to ask the noble Earl whether he was prepared, on the part of Her Majesty's Government, to make a representation to the Dean and Chapter in order that the statue might be erected without payment of this exorbitant demand; and whether, if the Dean and Chapter persisted in that demand, the noble Earl would, in the next Session of Parliament, propose a grant of 200 guineas from the public money for the purpose of purchasing a site for the statue?

THE EARL OF ABERDEEN said, his noble and learned Friend had put to him a question which he confessed he was not quite prepared to answer. He sympathised entirely in the admiration expressed by the noble and learned Lord for the distinguished person to whom he had referred. The noble and learned Lord had reminded him that he had attended the remains of that distinguished person to the grave, and he had also contributed to the erection of a memorial to him. Now, although the demand of the Dean and Chapter for the erection of a statue might appear immoderate, he must inform his noble and learned Friend that such charges were, to a certain degree, indispensable, in order to enable the Dean and Chapter to maintain the fabric of the noble edifice of which they had charge. The Dean and Chapter possessed no estates from which they could provide for the repairs of the Abbey, and there were no funds available for that purpose, as was generally the case with respect to almost every cathedral church. The Dean and Chapter had no funds for effecting those repairs beyond their receipts for places of burial and for the erection of monuments, and the special grants which they occasionally received from Parliament. He (the Earl of Aberdeen) was quite ready to admit that this was a state of things the continuance of which was not desirable, but he would submit to his noble and learned Friend, whether, instead of proposing a grant from the public money for purchasing a site, the simplest mode of meeting the difficulty would not be for the noble and learned Lord and himself (the Earl of Aberdeen), with other admirers of the distinguished poet, to subscribe to provide the amount necessary for securing the admission of the monument to Westminster Abbey? For his own part, he would be very glad to contribute to such a fund, and he was satisfied that the sum of 200 guineas would readily be provided. There was no doubt that Thomas Campbell was well worthy of a monument in Westminster Abbey; but, from their want of funds the Dean and Chapter had been obliged to allow the erection of numerous monuments in Westminster Abbey to persons who were not entitled to such a distinction. In doing so, they had disfigured, to a great extent, a building which was, in his humble opinion, by far the finest Gothic edifice in England. He regretted the manner in which the Abbey had been disfigured by the erection of monuments which could not be said to have the slightest claim to admission to such an edifice. He must say, however, that not a single farthing of the sum derived from this source found its way into the pockets of the Dean and Chapter, who had no personal interest whatever in the matter. The Dean and Chapter were bound to maintain the fabric of the Abbey, and this was the only mode by which they could obtain the funds necessary for that purpose. He knew, from his own experience, that the Dean and Chapter had acted with great liberality in cases similar to that to which his noble and learned Friend had called attention. Many years ago he had to make arrangements for the erection of a monument in Westminster Abbey to a distinguished individual, and on that occasion the Dean remitted the payment to which he and the Chapter would have been entitled. The amount demanded for the admission of monuments depended on the extent of the repairs which it might be necessary, from time to time, to make, and it varied according to the exigencies of the Dean and Chapter. The sum demanded in this instance appeared to be a large one, but, no doubt, the circumstances of the Dean and Chapter rendered such a charge necessary. Although he considered Thomas Campbell worthy of all honour, he was not prepared to hold out hopes that a grant would be proposed from the public funds to purchase a site for the poet's statue in Westminster Abbey. At the same time, he would endeavour, by the best means in his power, to take such steps as appeared to him most likely to secure the admission of the statue into that edifice.

LORD CAMPBELL expressed himself satisfied with the statement of the noble Earl, but thought some means should be provided for keeping Westminster Abbey in repair, without making these heavy demands for the erection of monuments to distinguished persons.

MAYO COUNTY ADVANCES BILL.

EARL GRANVILLE *moved*—

"That as regards the Mayo County Advances Bill, as the Provisions of the said Bill relate solely to Money Arrangements between the Exchequer and the County of Mayo, it partakes of the Character of a Bill of Aid or Supply, as it secures the Payment of money due to the Exchequer now in dispute; and inasmuch as the passing of the same will prevent Litigation, and the Settlement therein provided was not agreed upon till lately, whereby the Introduction of the Bill into the House of Commons was delayed to the 1st of August, it is reasonable that the same be allowed to be read a Second Time this Day, if the House shall think fit so to order."

LORD REDESDALE should not object to the adoption of this Resolution, but felt bound to declare his belief that adherence to the Resolutions of May last against considering Bills sent up after the 25th of July, would produce the most beneficial effects in the acceleration of the public business.

THE EARL OF ABERDEEN must express his hope that the Resolution of May last would not be too strictly and rigidly applied, as otherwise there was not much likelihood of its being maintained.

Bill read 2ª.

Committee *negatived;* Standing Orders Nos. 37 and 38 *dispensed with.*

Bill read 3ª, and *passed.*

SECOND COMMON LAW PROCEDURE, 1854, BILL.

Commons' Amendments *considered* (according to Order).

THE LORD CHANCELLOR *moved* that their Lordships do agree to the Commons' Amendments on this Bill, with some modifications. Most of these related to the arbitration clause; but there was one subject as to which a substantial alteration had been made in the measure, which no doubt the other House considered an amendment, but in which he could not concur; at the same time, he did not think it wise to raise any discussion on the subject, and so endanger the passing of what was otherwise a very useful and important Bill. As the measure was sent down to the House of Commons, it contained a clause providing that whereas, by the law as it at present stood, juries must be unanimous, or, if not, must be kept together until they were, in future they should be kept together only twelve hours, and during that time they might, under the direction of the Judge, be supplied with reasonable nourishment, the object being to secure a proper amount of deliberation, with a view to bring the jury to a unanimous decision; but if at the end of that period they should not be unanimous, then the verdict of ten or eleven, if so many should agree, should be taken as that of the whole. That provision had been introduced on the suggestion of his noble and learned Friend (Lord Brougham), and he confessed its great superiority to the recommendation of the Commissioners —namely, the simple discharge of the jury at the end of twelve hours if they did not agree before; because, supposing such a course had been adopted, it would have been in the power of one or two obstinate men on the jury to have prevented a verdict being obtained, by simply holding out for twelve hours. The suggestion was therefore agreed to by their Lordships, and the Bill went down to the House of Commons in that state; but in the Amendments made there, half of that clause had been struck out, and the very provision objected to by their Lordships, for the discharge of the jury after twelve hours' fruitless deliberation, introduced. Inasmuch, therefore, as their Lordships had refused to adopt such a principle at an earlier period of the Session, when they had ample opportunity to consider the matter, he did not think they could adopt it now. What he should propose was, to agree to the Commons' Amendments, and further amend the Bill by striking out the whole of the clause in question, thus leaving the law in respect to the unanimity of juries in the state it was before. He had the less scruple in recommending that course, inasmuch as the Commons had already struck out three clauses relating to the jury system, and it would, therefore, be absolutely necessary that the whole subject should be considered early next Session. In the manner in which the Bill had been sent up, it became simply inoperative, and there was no sense in the following clause, the 18th, which related to that part of the 17th clause that was struck out; the 18th might, therefore, now be dispensed with, as well as what remained of the former one.

LORD CAMPBELL heartily congratulated the House that, after the serious disappointments they had met with during the present Session, they had now almost a certain prospect that one of the most important Bills for the improvement of the law that had ever been proposed would receive the Royal assent. The Amendments made by the Commons by no means vitally affected the principle of the Bill, and they would be enabled by very slight sacrifices to obtain the reform they wanted. In his opinion, if this Bill passed, it would redeem the Session from the imputation of having been a fruitless one. He believed that since the time of Edward I. so important a measure of legal reform as the present had not been introduced. The only one of the Amendments from which he should be disposed seriously to differ was that regarding the unanimity of juries, which was much too large a question to be now discussed. With respect to the additional Amendment proposed, he concurred most heartily in it, and he had every reason to believe that it would meet with approbation elsewhere, because, as the Bill now stood, it might have the most injurious effect, inasmuch as a wrong-headed man or a friend to either party might, by sitting twelve hours, prevent an adverse verdict, and thus not only would the time of the Court be wasted, but a most unprofitable expenditure would take place. If such a principle were admitted into civil trials, attempts would be made to extend it to criminal proceedings, and their Lordships might be very well assured that, if in trials for murder juries could obtain their discharge by refusing to give a verdict after twelve hours' deliberation, there never would be a conviction, and it would virtually amount to the abolition of the punishment of death altogether. They must be very cautious, therefore, what principles they introduced into the administration of the law with regard to civil trials, as by their transference to criminal trials they might give rise to the most injurious consequences. He should be glad if it were no longer requisite that the jury should be unanimous in delivering their verdict; but as the House of Commons refused to assent to any relaxation of the law on this point, he thought it was necessary to retain the present compulsory means of securing unanimity. In the present instance, he quite concurred with his noble and learned Friend on the woolsack, that it would be better to leave the law in that particular as it stood, and therefore the only course which could be pursued was that which had been suggested.

The Marquess of LANSDOWNE regretted that a proposal so reasonable in itself, so calculated to increase the efficiency of trial by jury, and to secure additional respect for it, as that of allowing the verdict of ten or eleven jurors to be taken as that of the whole, in case they did not agree after a certain time, should not have received the assent of the House of Commons during the present Session. He was, however, sure that when the attention of the public had been called to it, it would eventually be adopted.

Commons' Amendments *agreed to*, with Amendments; and Bill, with the Amendments, sent to the Commons.

CONSOLIDATED FUND (APPROPRIATION) BILL.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2^a.

Lord MONTEAGLE said, he took the opportunity of renewing the question which he had put to the Government in the month of June last, but which was not answered then for reasons in which he quite concurred. It related to an important matter. In April last, it was generally understood, and admitted by the highest authority in the other House, that a difference of opinion existed on an important question of finance between the Government and the Bank of England. Those differences between the Treasury and the Bank did not concern them alone, but were important with reference to the monetary concerns of the country generally; and therefore, as it was admitted that this difference did exist, and that the opinion of the law officers of the Crown was to be taken, he, on the 2nd of June, put a question to the noble Earl (Earl Granville) on the subject, and called for copies of all correspondence which had taken place between the Government and the Bank in 1854, respecting the advances required on deficiency bills, and the state of the public balances. On that occasion, the noble Earl admitted that there was a question pending, and that a controversy was going on, but that in the then state of the transactions it was inexpedient to give the information asked for. Two months had elapsed since that reply, and Parliament was about to separate under circumstances, which—though he rejoiced that the Bill now under consideration afforded the strongest evidence of the unexampled liberality of Parliament in the support of the Crown, and implied also a mark of confidence in the Government—yet were circumstances of such complication in regard to our monetary affairs, as to render it necessary that it should be known whether or not the differences between the Government and the Bank were at an end; and whether the Government could, either by replying to his question, or by laying papers on the table of the House, put the country in possession of the whole matter. The present Bill was one of unexampled importance. At no period of our history was Parliament ever called on to give greater proofs of its desire to support the Government in a war. There were in this Bill 4,000,000*l.* or 5,000,000*l.* appropriated, of which 3,000,000*l.* was placed at the unreserved disposal of the Government, and 5,000,000*l.* or 6,000,000*l.* had been by recent legislation added to the financial business of the Treasury; besides causing a great amount of additional business in the House of Commons. He was glad to see that the ordinary powers of an Appropriation Act were in full force with regard to those new sums so to be dealt with, and that it was rendered penal to put any of those new sums to any other use than that to which they were appropriated, and that these 5,000,000*l.* or 6,000,000*l.* were still subject to the control and appropriation, which was applicable to all other sums. He would conclude by repeating the question whether the Government was now in a position to lay before Parliament and the country the result of the transactions with regard to loans between the Treasury and the Bank, whether the Treasury and the Bank had come to an understanding on that subject, and what that understanding was?

EARL GRANVILLE said, he thought his noble Friend was pretty nearly correct in his statement of what had occurred in June last. He (Earl Granville) then said, that there had been a correspondence between the Chancellor of the Exchequer—not the Treasury—and the Bank; that it was to a certain degree of a private nature, and was not recorded at the Treasury, and that it was of a kind which it was not usual to produce to Parliament; that the Chancellor of the Exchequer and the Bank had had some difference of opinion, the subject of which had been referred to the law officers of the Crown. He was afraid he could give his noble Friend no other answer now. The matter had been considered by the law officers of the Crown, but, owing to the great pressure of Parliamentary business, they had not yet sent in their opinions. At the same time he should be happy to give his noble Friend, as early as possible, information as to what that opinion was.

LORD MONTEAGLE hoped that the result would be communicated to the public. He again urged that the correspondence might be produced.

EARL GRANVILLE said, that no correspondence of this nature was ever produced.

On Question, *agreed to.*

Bill read 2^a accordingly.

Committee *negatived;* and Bill to be read 3^a *To-morrow.*

THE WAR WITH RUSSIA—

CONVENTION BETWEEN AUSTRIA AND THE SUBLIME PORTE.

THE MARQUESS OF CLANRICARDE: My Lords, I now rise, in pursuance of the notice which I have laid on your Lordships' table, to make some observations upon the progress and state of the war in which this country is unhappily engaged, and also to endeavour to obtain from my noble Friend the Secretary of State for Foreign Affairs some further information than has yet been given to Parliament in regard to the alliances or confederacies in which we are directly or indirectly engaged. I am not going to take any retrospect of the operations of the war, or to complain that the expectations which have been entertained by unreasonable or other persons have not been fulfilled by anything done by our fleets or armies. But, before making any observations at all, I wish to notice very shortly the attacks which have been made, partly in and partly out of Parliament, on those who have thought it right from time to time to utter their opinions upon the conduct of the war; be it with respect to the operations that are conducted by our commanders abroad, or be it with respect to the mode in which the Ministry at home have employed the resources of the country for the purposes of the war. I and others have been accused of personal, interested, and ignoble motives and feelings in thus expressing our opinions. Of that, however, I take no account. Every man who takes part in public life, or public strife, must make up his mind to this kind of attack, to which the very best men, from the earliest times to the present day, have been exposed. But what I complain of is, that it should be supposed that persons who make such observations and criticisms as he had expressed in his place in Parliament are less zealous in the cause of their country, and less inclined to act with patriotism, and to assist, as far as they can, in the struggle in which this country is now engaged, than others who, it may be blindly, or it may be zealously, support all the measures either of our commanders abroad or of the Government at home. That, however, is a course neither consistent with reason nor common sense. It has been, and is, not only the privilege but the duty of Members of either House of Parliament to express their opinions either upon the operations of our commanders abroad or upon the measures of the Ministers at home, if they think them deserving of notice. That principle had been acted upon in the best Parliamentary times. I will not refer to the many cases and authorities under which I might shelter myself and others who have taken the same part; I will only refer to one case which occurred in the last war in which this country was engaged. No one will imagine that Mr. Pitt was wanting in fervour, earnestness, and sincerity in his support of the Crown and of the cause of his country when engaged in war against the French Republic, when the resources of that great people (now happily in alliance with us) were directed against us by the energy of Napoleon Bonaparte. What was the conduct of Mr. Pitt when the war, of which he approved and the justice of which he vindicated, broke out under the Addington Administration in 1803? He did not hesitate to take exception to the two first measures which the Government introduced into Parliament. The first was the Militia Bill, for providing for the defence of the country; the second was the Income Tax Bill, by which supplies were raised to meet the exigencies of the public service. With regard to the last, Mr. Pitt even moved a Resolution as an Amendment, and divided the House upon it; and, although he was beaten, his influence was so great that the Bill was somewhat altered. And yet, when during the present Parliament we have had some persons who ventured to criticise or oppose similar measures, or rather particular details of them, they have been charged in Parliament with being inclined to withhold the proper supplies for the war, and out of doors language equally strong, or rather much stronger, has been applied to them. Leaving that subject, however, there are two or three points on which I wish to make a few observations before I come to the principal subject of my Motion. The first is with regard to the new organisation of the Ministry of War. Undoubtedly, up to the present time Parliament has not had laid before it sufficient information—which I hope will be communicated at the earliest period of next Session—to enable us to understand the departmental changes that have been effected. We know that the noble Duke the Secretary of War (the Duke of Newcastle) has been relieved from the charge of the administration of the Colonies. But what are his new functions, what new powers he possesses, what new duties he discharges, what establishment he administers, we know not, save and except that we have heard it intimated that the Commissariat Department has been transferred to him. That is an intimation which I have heard with great satisfaction. I think nothing can be more absurd than that the Commissariat Department, on which the Army abroad is dependent for its supply of food, should be placed under the Financial Secretary of the Treasury. Those who know the multifarious duties that are said to devolve upon that Gentleman will feel that it is utterly impossible for him, even if he were otherwise qualified for the duty, to superintend the Commissariat of an army serving abroad. The duties of the Commissariat are, however, certainly divisible into two heads. There is, first, that which may be called more especially the military duty, of providing provisions and stores for an army during a campaign, or for troops stationed in different parts of the country at home; and there is also the task of providing for the payment of the matters so required, and of supervising the bills which may be drawn upon the Treasury. This is a totally different sort of business, and may be called the banking business of the Commissariat, and is one that, perhaps, ought to be divided from the military business. There can be no doubt that the transfer of the duties of the Commissariat from the Treasury to the Minister of War is a very good step, and I trust that when Parliament next meets we may have a clear explanation of the new organisation of the War Department, and that it may be arranged in such a manner as to secure additional facility and economy in the transaction of business, and increased responsibility, which at present is greatly divided. This is, I know, a very difficult and important question; and, unfortunately, it was not considered as soon as it should have been, because, although our operations were more or less begun before we declared war—that is, in February or March last—it was not until May that the public were aware that any change was resolved upon in the organisation of the military department. I wish now to state my regret that the blockades of the Russians which have been established have certainly not proved so effective in injuring the trade and commerce of the enemy as we might have hoped from the great armaments that we have sent out. I never received any answer to the question why the blockade of Archangel and the other ports of the White Sea was not entered upon until the 1st of August. It is certainly notorious that great part of the commerce of Russia came through those ports during the past year. The blockade in the Baltic, though rather late in being established, was, no doubt, not without effect. I believe that, by the operations of our fleets in that sea, we have entirely stopped the revenue which would otherwise have been derived to the Imperial treasury from the customs duties levied in the ports of Russia on that sea, and this is no slight advantage. But I believe that, although the trade of the enemy by that sea has been stopped up, we have, unfortunately, left facilities for its being carried on in other channels; so that, although you have somewhat affected the finances of the Imperial treasury by your blockade, you have not injuriously affected the inhabitants of the country, and your operations have not, therefore, been sensibly felt through the country. That is a fact which no despatches can contradict; for it is proved by the circumstance that the value of Russian produce, either in our markets or in those of other countries, is not sensibly higher than it was in February last. The prices that then prevailed were not, I admit, peace prices; but still, if the price has not risen sensibly since—for I admit that on some articles it may have risen as much as 5, and on one as much as 8 per cent—it shows that the supply has not been short, and that the measures taken to stop the supply have not been so effectual as might be desired. It is, indeed, within my knowledge that articles of produce from the Black Sea were at lower prices in the London market last week than they were two months ago; and that a contract was entered into not a fortnight ago for a supply of linseed direct from the Sea of Azoff, at a lower rate than that article was sold at two months ago. It is, therefore, clear—whatever despatches may be sent home by admirals or captains—that there is not an effectual blockade in the Black Sea. I have dwelt on this in order to enforce greater watchfulness in this respect in future years, if the war unfortunately continues; and, as far as I can see, there is no possible end to the war until you bring the pressure of that war, and of the losses that it must occasion, to bear upon the mass of the people of Russia. It is a mistake to think that there is no public opinion in that country that is really very much dreaded by the Government. Public opinion, it is true, does not act often or easily in that country, but when it does, it acts in such a manner that the Government are obliged to heed it. I must notice another topic on which I think there has been remissness on the part of the Government. I allude to the question much mooted by authorities of great weight on the point—the supply of gunboats to our fleets. It is really no answer to say that an unprofessional man, even backed by professional authorities, can know nothing at all on this point, because there are certain facts so patent to common sense that any person possessed of a fair share of that endowment may judge of them even without professional qualifications. Now, two facts have never been denied—the one, that neither of our fleets is supplied with steam gunboats, by which I mean vessels drawing from four to five feet of water, and carrying heavy armaments; and the other, that if the fleets, and particularly that in the Baltic, were supplied with such vessels, they would be eminently useful. Let me call the attention of your Lordships to what happened the other day in the course of a reconnaissance before Bomarsund—where I hope our forces are now triumphant—by a squadron of Her Majesty's vessels. This circumstance I state on authority which, I venture to assert, is perfectly indisputable. The squadron that reconnoitred Bomarsund consisted of four screw vessels of 60 guns each, and the *Amphion* and *Valorous* steamers. At five in the morning the vessels weighed and stood in for Bomarsund to reconnoitre. At a quarter past six o'clock the *Valorous* signalled that she was aground, and the other ships were ordered to assist her. She, however, remained aground for two or three hours. Now, it was clear that if there had been vessels of small draught to take soundings, this accident would not have happened. Then, again, if there had been vessels of slight draught, which would yet be sufficient to carry guns of large calibre, such as mortars, it would have been very easy to direct some shell practice against that fort. It is true there are long guns, but those long guns cannot, it is stated by persons having a knowledge of the subject, be pointed above twenty degrees, while on board ship, and will not carry above 2,500 yards; but mortars would have carried shells a distance of above 5,000 yards. It is a matter of common sense, that in a war in which we carry on a great deal of bombardment, the use of mortars is necessary, and that there should be a sufficiency of heavy guns of long range with which to attack a fort. It was quite possible in such a case to do great damage to the enemy without much endangering ourselves. This system of warfare was tried during the war which preceded the emancipation of Greece, when the forces of Ibrahim Pasha took refuge in the Castle of the Morea, which was shelled by large mortars without losing a single man. Then in a sea abounding with shoal water, having many rivers running into it, with forts fortified, and for many reasons presenting a dangerous passage, vessels with a light draught of water and carrying a heavy armament must be of the greatest possible advantage. "Well, then," it has been said in a taunting manner, "why don't you show us how to build vessels to carry all this armament and draw no water at all?" I know when such a remark is addressed to an unprofessional person of no authority by somebody who has professional knowledge, of course the laugh is turned against the unprofessional person; but when that sort of language is used in the face of notorious facts, it shows, not experience, but ignorance on the part of the person, professional or otherwise, who makes the remark. I say, as a fact that no one can contradict, that there are at this moment, or were a few months ago, not less than five steam-boats running on a river of Upper California, which cannot, from the nature of the river, draw above three or four feet of water, because there is not in dry weather in a part of that river above that depth of water, and yet these boats convey eighty and 100 tons of merchandise, besides persons on deck, and fifty or sixty passengers; they ascend the river at the rate of 10½ miles an hour, and they come down at the rate of about fifteen miles. Why, then, are we told that it is impossible to have boats carrying much less weight, and drawing perhaps a little more water? I am not to be told that those boats are only fit for river navigation—for the Bay of California is 80 miles long and 20 broad, and at certain points there is a tremendously heavy sea; yet these boats navigate that sea in perfect safety. I mention the fact to show that persons who are not professional, when they speak on these matters do not necessarily speak nonsense. The guns sent out in the *Vulture* the other day weighed only 19 cwt.; and two guns of that description, with all their carriages and fittings, could not weigh above twelve tons; and, even making a pretty good allowance beyond that weight, the difference would still be considerable; for the boats to which he referred carried from eighty to 100 tons, while the armament, he repeated, would only amount to twelve tons. There was produced in the other House of Parliament a letter from the Admiral in command of the Baltic fleet, and an extract was read from it which would be extremely painful if it were thought those extracts gave a fair sample of the whole tenor of it. But I do not believe, and I know the public will not believe, that Admiral Napier wrote home to his Government that the fortresses of the enemy were impregnable, and that even with the fine fleet under his command he was able to do comparatively nothing. The public would rather believe, and I believe, that in those letters Admiral Napier pointed out the particular points in which his fleet was deficient; that he applied for certain additions to that fleet; and that he only mentioned that he was unable to act as he wished because he had not the appliances which he thought it right he should have. I say nothing of what may be the indiscretion of making public any such communication; but I refer to this matter because it justifies me in noticing this subject before your Lordships.

I will now come to what is more immediately the object of the Motion with which I shall conclude, namely, the confederacies and alliances into which this country has entered. I hope my noble Friend the Secretary of State for Foreign Affairs will not think me inclined to be too meddling, when I say that in my opinion, before Parliament rises, we ought to have a copy of the treaty to which I alluded on a former occasion—I mean the treaty between Austria and the Porte, which treaty was undoubtedly, I believe, concluded at Constantinople on the 14th of June, under our auspices. It is a notorious matter that the Turkish Government were extremely reluctant to allow an Austrian army to enter the Principalities. It is a matter of fact that has been officially made known to your Lordships, that the Servian Government protested against the occupation of Servia by Austrian troops. You have the document in which that protest was embodied laid upon your Lordships' table. It is an admirable document, and is well worthy of the attention of Parliament. But it is notorious that there were many reasons why the Turkish Government would not be anxious to see the entrance of Austrian troops into the Principalities, however pleased they might be—as all rational people must be—in having the assistance of a great military Power in carrying on the war. But the question is, have they, by that occupation, the assistance of Austria in carrying on the war? That is the information I want to get from my noble Friend. I want to know what are the grounds on which he relies that Austria will co-operate with you, not to advance her own interests, but to secure the objects of the Allied Powers in the war in which they are engaged, when you permit her to take up such an imposing position as will render her the arbiter, so far as the Principalities are concerned, of the fate of Turkey? The treaty was signed on the 14th of June, and up to this hour, I believe, so far as I am informed, no Austrian soldier has come forward to enter the Principalities. I beg clearly to be understood as throwing no blame on Austria whatever. Austria has a perfect right to pursue her own interests. She is a great Power, and has a great object naturally—I hope they are honest objects—she has a perfect right to pursue her policy in the manner she thinks proper and honest. But the question is, what is to be our policy, and how far we were wise in permitting this treaty, and what is the security on which we rely in this matter. In that treaty Austria engages, in the first place, to endeavour by all means in her power to obtain the evacuation of the Danubian Principalities by the Russian forces, and, if necessary, to employ force herself for the attainment of that purpose. Well, as I have said, this treaty was signed on the 14th of June. All that Austria has yet done is that she has made her application to Russia—and she has been somewhat scurvily treated. Austria engages by the treaty also to restore the Principalities to Turkey as soon as a treaty of peace shall be concluded by which the integrity of the Turkish Empire shall be secured. Austria, in conjunction with Prussia, has made the humblest appeal to the Emperor of Russia to withdraw his troops from the Principalities; and even when the application was made on the 3rd of July they did not venture to ask so much as that he should withdraw them at once, but merely asked that he would fix a period beyond which he would not prolong the occupation of the Principalities. I should have expected that when such an appeal came from a great and independent Power like Austria, it would be received with respect; but, instead of receiving anything like respect, the Emperor of Russia would not listen for a moment to any accommodation on these terms. You would have thought, of course, that Austria would then move at once; but she did not move. Why did she not move? Why has she hesitated? Why does she not now move? Her conduct is guided, as I have said, by her own interests; and my firm belief is, that Austria will not move until the Russians move before them, and that you will never get Austria to co-operate with the object which you have declared to have in view in the war you are carrying on. He wished their Lordships to observe that this power of entering the Principalities is given to Austria without any declaration of war on her part against Russia, and I firmly believe she will not allow one of her soldiers to fire a shot in hostility to Russia. She will be in the Principalities with an immense force to interpose between the retiring army and their victors; she will be there in a strong position, maintaining an armed neutrality, and if she please—and it is the very thing she probably will please—an armed intervention. I want to know, my Lords, have we any security against that? I think we must consider not only the objects of Austria, but also her engagements. Is it any triumph of our diplomacy that she now enters and occupies those provinces?—though I am quite free to say that her assistance in that matter will be very valuable if sincerely given, and if we can trust that it will be turned to our advantage;—but is it for our objects or for the objects of Turkey, that the Austrians will enter these provinces? It is no such thing. Those Principalities, about which we have had so much discussion, and which, if not the chief, are the proximate cause of the war, and about which so much bloodshed has taken place, are as much an object of interest to Austria as to Turkey. What I mean to say is, that if the Russians retain possession of these Principalities, the injury to Germany and to the Austrian Empire by the Russians holding possession of that bank of the Danube will be greater than to the Ottoman Empire. The Ottoman Empire would in such an event merely lose a small portion of tribute; but the strength and power which the acquisition of the Principalities would give to Russia over Germany in a military sense, would place the wealth, trade, and commerce of Austria and of Germany at the feet of the Czar. It is for the interest of Austria that Russia should not become possessed of those Principalities; but at the same time Austria could not view with indifference the entrance into them of an army belonging to the Western Powers. I do not wonder, therefore, to hear of the readiness and eagerness of Austria to sign the treaty she has signed, by which she gets possession of the Principalities without involving herself in hostilities with any Power whatever, and thereby obtains a strong position, where she will be able at any time to assume an armed neutrality or intervention, and perhaps even to threaten the position of those who consider themselves her allies. But her objects are not known; the only object that Austria has announced has been the evacuation of the Principalities. She undoubtedly acknowledges—and so, I believe, does Prussia—that as regards the first cause of the war, justice was on the side of Turkey, and the injustice and aggression on the other side. Austria denied no more than Prussia that the claims of the Czar were wholly untenable, and would, if acceded to, destroy the integrity and independence of the Ottoman Empire. But that is a totally different thing from the possession of the Principalities. The Czar of Russia never said he wanted those Principalities at all—but he wanted a great deal more; he wanted to possess power over the whole of the Christian subjects of the Porte, in order that he might at any time he pleased come and extinguish "the sick man," and take possession of his house and property. You said, when you began this war, that the evacuation of the Principalities was not our only object, but that it was also desired to secure the independence and integrity of the Ottoman Empire in the first instance, and not less to secure the future tranquillity of Europe, and prevent the recurrence of similar claims. That hereafter was not only what the people of England and France expected, but it was avowed and declared by Her Majesty's Ministers as the object of this country. I do not want to fasten any words on our Ministers as to the objects which they sought to obtain by the war—whether the Crimea was to be taken, and Sebastopol and the Russian fleet destroyed;—but undoubtedly it was avowed by my noble Friend the Secretary of State for Foreign Affairs himself, and, I apprehend, by most of the Ministers, that this is a war of civilisation against barbarism—that the war was entered into to secure the future repose of Europe, and that it could not terminate until we had obtained real and material securities that the Emperor of Russia should not be guilty again of the gross offences and outrages which he had endeavoured to commit. But Austria has never gone this length. She has acknowledged that justice is on the side of Turkey; but all that she has done is to sign a treaty at Constantinople, and to address a note to the Czar in conjunction with Prussia. She has confined her efforts solely to the evacuation of the Principalities; and I want to know what security have we as to what the conduct of Austria will be when the Principalities shall be evacuated? Austria is a member of the Germanic Confederation, and we have unfortunately reason to know that Prussia and a considerable number of the Princes of Germany are too well inclined towards Russia. The treaty that was concluded on the 20th of April between Austria and Prussia—which undoubtedly looked to the contingency of stopping the progress of Russia, and effecting the evacuation of the Principalities—was communicated to the Diet at Frankfort, and a Resolution was passed, by which the Diet of Frankfort expressed their desire for the establishment of a common accord and union between all the Powers of Germany; but that union did not go a bit further than an objection to the prolonged occupation of the Principalities. But suppose, when those Principalities are occupied by Austrian troops, it should please Austria to say, "We now rest on the basis of the *status quo*," while you say you will not rest upon any such basis at all, the consequence must be that you will come to that very conflict with Germany which you at every possible cost so long desired to avoid. Undoubtedly, as we have justice on our side, seeing that we are engaged, as has been well said, in the support of civilisation against barbarism, and in the support of a weak Power against the unjustifiable aggression of a strong neighbour, we ought not to be afraid to face the German Powers if they should league against England and France; but, my Lords, we shall do so at a great disadvantage, because the Austrians will be in a most advantageous position. I say we have already sacrificed too much for this alliance with Austria, and we should take care that it does not fail us when we require it. Recollect what we sacrificed at the beginning of the war. We prevented Omar Pasha from facing the comparatively petty army of Russia, before it was reinforced by the forces under Lüders, Dannenberg, and Osten Sacken. It was Omar Pasha's opinion that he should face it, and it was the subject of his remonstrance to you. He said, if he were allowed, he would at once defeat and drive before him that army. You hesitated and delayed your hostilities, and gave to Russia every advantage; and all this we did because we wished to secure the concert and uniformity of action of the German Powers. The Turkish army is described by competent authorities as being as fine an army as any in the world. The men, we are told by all authorities, are equal to any army in Europe for patience, courage, and power of endurance. They are worthy to contend by the side of those with whom they are now allied in, I hope, a career of victory. But all persons tell you that the weak point of that army is the way in which it is officered. That is well known. There are officers, however, to be had of the right sort, capable in every respect, knowing well the usages and temper of the men they would command, and knowing the country in which they would act; but those men were not employed, because, out of respect to the German Powers, so far as regards European service, you would not allow them to employ Hungarians. Of course the Sultan would not consent that you should dictate to him what officers he should employ, and what officers he should not employ; and the consequence was, that he was obliged for a considerable time to decline the services of all European officers who applied to him. I say this was an immense disadvantage that you put the Turkish army under; you did it for the purpose of conciliating and of obtaining the concert of the German Powers, and the German Powers ought to be called upon to do a little more than occupy the ground from which the enemy retires. I cannot, of course, know what answer my noble Friend has received. I know not what ground he may have for expecting the real and cordial co-operation of Austria, not only in obtaining her own objects, but your objects and those of civilised Europe; but I hope he will be able to lay before the House the communications and correspondence, as well as to tell us that he has reason to be perfectly satisfied of the intentions of Austria.

I cannot conclude without adverting to the more cheering prospects that we have at this moment in regard to the progress of the war, compared with what has hitherto been the case. It is said that an expedition is in preparation for the Crimea, and it is to be expected that it will be worthy of the two great countries by whom it is undertaken. During the continuance of the mere blockade I did not think it right to say anything whatever in the way of blame, nor do I mean to say it, about that clever and dashing exploit of the Russian vessel the *Vladimir*. There is no doubt, I believe, that she did come out, and, eluding the vigilance of the British vessels, destroy some Turkish vessels. I do not wish to impute any blame to Admiral Dundas and those under him, for it is to be supposed that he is to be excused, in consequence of his attention, his energies, and a great part of his force being devoted to the execution of the expedition to the Crimea. To that expedition I look with the greatest hope, because, from the experience of the commanders of the allied armies in Turkey, I am well assured they would not undertake that expedition unless they had every reasonable ground for success. It is an expedition that is worthy of the two great countries, and of the armies that have undertaken it; and if there be risk or delay, or delay in the execution, I for one shall not be inclined to criticise too nicely the cause of that delay, or the loss it may occasion. You cannot attain a great object in a moment, or without heavy risk. I have no doubt that all will be done that can be done by skill, and prudence, and bravery, to ensure success; for we know intimately the commanders, and I am delighted to hear that such an expedition is to be undertaken. When next we meet, I hope we shall have still more cheering information of that expedition, and that we shall also have more information on the point to which I have already referred. In conclusion, the noble Marquess *moved*—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that there be laid before this House a copy of the Convention concluded on the 14th June between Austria and the Sublime Porte; and also copies of the Communication between Her Majesty's Government and the Turkish Ministry relating thereto."

THE EARL OF CLARENDON: My Lords, my noble Friend began his speech with a somewhat elaborate defence of the course which he has taken throughout the present Session with regard to the state of our foreign relations; and as it has been generally my duty to reply to the speeches that my noble Friend has made, I hope he will permit me to say that I have never made against him any of those charges which he has this evening taken pains to refute. I have never impugned his motives, nor complained of the perfect consistency of his conduct; for I must say that from the first day of the Session—all through the Session—and down to the last day of the Session, my noble Friend has not missed an opportunity—and has created many—of marking his want of confidence in the Government, and in their ability to carry on the war in which we are engaged. I do not think either there was any necessity for the comparison which my noble Friend instituted between himself and Mr. Pitt, in order to justify the manner in which he exercised his "privilege" and performed his "duty;" but if I had any disposition to impugn my noble Friend's conduct, or to question the manner in which he exercised that privilege and performed that duty, it would be this night; for about the first half-hour of his speech was occupied in details and facts which it would be most pernicious for the enemy to know.

The Earl of ABERDEEN: Not facts.

The Earl of CLARENDON: Not facts; but my noble Friend has stated them as facts. The noble Marquess seems to have collected his statements with great care, though he has misstated them as matters of fact; though really I am unable, and the noble Duke near me (the Duke of Newcastle) is unable, to reply to them as we would wish, not having had any notice of them. However, assuming they are facts—

The Marquess of CLANRICARDE: I have referred to no statement that has not appeared in the public papers.

The Earl of CLARENDON: My noble Friend has referred to many subjects—for instance, to the want of mortars and gunboats, and the necessary inefficiency of our fleets in consequence.

The Marquess of CLANRICARDE: All the statements have been made, and in the Government prints, too.

The Earl of CLARENDON: With respect to that part of my noble Friend's statement, to which formerly I particularly referred, and which has reference to the treaty between the Porte and Austria, I have to express my regret at not having laid, as I intended long ago to have laid, that document before your Lordships. The last time my noble Friend mentioned the subject I told your Lordships that I would lose no time in laying a copy of it before you; but on referring to the copy of it in the Foreign Office, and finding that it was but a corrected draft with marginal notes of amendments, I should not have hesitated to present it to your Lordships, but it turned out that this draft of the treaty was not signed. It was merely an unsigned copy, and not in the complete shape that would enable me to lay it before your Lordships' House. However, there shall be no delay about laying it before your Lordships. Still, my noble Friend is perfectly cognisant of the treaty; it was published in the Constantinople *Gazette,* and was published also in other papers. I do not think, my Lords, that this treaty altogether merits the strictures which have been passed upon it by my noble Friend; nor is my noble Friend entitled to say that Her Majesty's Ambassador at Constantinople was instructed to support that treaty, or that the treaty was agreed to by the Porte in consequence of the urgent representations of the Allied Powers. Many months ago the Austrian Government made a communication to Her Majesty's Government, as well as to the French Government, and to that of the Porte, that they would on no account enter upon any part of the Ottoman territory without the permission of the Porte. The Austrian Government stated that it would only be to put down an insurrection in favour of Russia in Servia, or to prevent the invasion of Servia by Russian troops, that Austrian troops would enter that province. My noble Friend has alluded with great force to the protest of the Servian Government. I believe he must not rely too much upon that; for if it were not through fear of coercion, an insurrection in favour of Russia would long since have taken place in that province. The Austrian Government also placed its troops at the disposal of the Porte to repress the insurrection in Montenegro. They also told us that in the event of a war with Russia it might be necessary for them to occupy the Principalities, but that they would not do so without a previous solemn agreement with the Porte. The treaty between the Porte and Austria was communicated to us, and after some delay it was signed at Constantinople. We knew nothing of it before that, and no instructions were consequently sent to Lord Stratford, who merely said that he had recommended the Porte to adopt that treaty; and in a month or three weeks afterwards the Government approved of the advice of Lord Stratford. And if Lord Stratford, who is no bad judge of what is for the interest of the Porte, and whether it was for its interest to reject or adopt it, recommended the adoption of the treaty, he did so because he saw that the preamble, as well as the articles, was closely connected with all the proceedings that had taken place at Vienna, in conjunction with England and France, and which were recorded in a protocol, and because he saw nothing in the treaty to prevent the Sultan from taking any measures he pleased for re-establishing his authority in those Principalities, or from taking any part he pleased in occupying them on the withdrawal of the Russians. But even then, as soon as we saw the substance of this convention, our language to Austria was, that the occupation of any portion of the Ottoman territory was a matter of extreme delicacy, and that great care must be taken that everything should be done in the name and on the behalf of the Sultan, and to uphold his authority, and that every measure, whether for the restoration of the Hospodars or otherwise, must be of a temporary character. Towards the end of June, when the Russians were about to evacuate Wallachia—when they had already left Bucharest and news was received at Vienna that they were about to carry with them not only the provincial treasury and the archives, but the principal inhabitants and the national militia—there was an apprehension that a state of complete anarchy might have ensued, because the Turkish troops were, at the end of June, not in a position to cross the Danube; and the Austrian Government communicated to us and to the French Government that they had sent a staff officer of General Hess to the head-quarters of Omar Pasha, and of Lord Raglan and Marshal St. Arnaud, to say that they were about to occupy a portion of Wallachia on behalf of the Sultan, and to restore his authority there, although they could not enter as belligerents, because they were not at war with Russia, and had not received an answer to the demand which they had addressed to her. And I may here mention, with respect to the demand addressed by Austria to Russia, that it was not made exactly in the tone, nor was the answer given to it by Russia exactly in the tone, which my noble Friend represented them to be, neither was the date which he stated correct. It was in the beginning of June that the Austrian note was addressed to Russia; it stated the evils that arose to Austria and Germany from the Russian occupation of the Principalities, and it required upon certain conditions, and at an early date, the evacuation of those Principalities. The answer of the Russian Government was not an insolent rejection of these demands, but, on the contrary, it was an offer to adhere to three of the principal points which had been established by the protocol of Vienna. I merely mention this to correct what my noble Friend has misunderstood with regard to these two points. My Lords, the language which we held to Austria when we heard of this announcement of her intention to enter the Principalities was, that if Austrian troops were going to enter Wallachia, which had been evacuated by the Russians, for the purpose of proceeding on to Moldavia in order to drive them out there also, then the convention would be faithfully fulfilled; but that if she were merely going to occupy the province on its evacuation by Russia, then we did not consider that they would be warranted in doing so unless with the consent and by the desire of the Porte. The Austrian answer to this was, that they only intended to enter the Principalities with the view of preventing anarchy, and of establishing order in the name, on the behalf, and at the desire of the Sultan; that they could not enter as belligerents, because they had not yet declared war; but they announced to us that having once entered they would resist by force the return of the Russians. And the Porte replied by appointing an Imperial Commissioner to proceed to the provinces to arrange all these matters on behalf of the Sultan, and to establish a judicial inquiry with respect to the conduct of the Hospodars at the time when the Russian troops entered last year; and it was to depend upon the result of that judicial inquiry whether the Porte would consent to the re-establishment of these Hospodars. The Austrian Government communicated to us their entire satisfaction at such a functionary as this Commissioner having been appointed. We all know that the Principalities were about to be evacuated—at least, Wallachia—because Prince Gortschakoff appears to have taken an affectionate leave of the boyards, and to have burnt and destroyed everything in that country. Now, this result is certainly due to the presence of the allied forces at Varna, and to the bravery of the Turks; but it is mainly owing to the position which the Austrian army has taken up. It is now some time ago since we received information that the Austrian army was being concentrated in the Bukovina and in the north of Transylvania, and their position became so threatening to the Russians in Moldavia that they were no more able to retain that province than Wallachia; and it was only the day before yesterday that we heard that official orders had been received by Prince Gortschakoff to evacuate both these Principalities. My Lords, I am not about to enter into any elaborate defence of Austria, or pretend to be able to explain the motives or the policy of that country; but I certainly see no reason to retract any opinions that I have given with respect to the grounds which make it conduce to the honour, the dignity, and the interests of Austria to act in the manner that we are entitled to expect from her. I entirely agree with my noble Friend that Austria is an independent Power, and has a right to pursue her own policy in her own way; and we have no right to complain of her doing so, because I say, whatever my noble Friend may think as to any sacrifices that the Allied Powers have made, that I entirely deny that our policy has in any way been dependent upon the policy of Austria, or our course of conduct in any manner influenced by her. True, she may not have been so rapid in her movements as we might desire; her army was not prepared, and to bring it up to its present state of efficiency, with 300,000 men, was certainly a work of time as well as of very great expense. As my noble Friend says, the policy of Austria must of course be guided by her sense of her own interests, just as that of England and France must be guided by their interests; and the interests of Austria, let me remind you, are of a far more complicated and antagonistic character than those of either France or England. Our objects and interests—and I recur to them as my noble Friend has again adverted to them, and I have the less hesitation in alluding to them because they are to a great extent shared by in Austria—our objects are that we think the designs of Russia upon Turkey, as shown by the misuse of treaties at certain times, and by their misinterpretation at other times, are dangerous to the tranquillity of Europe; we think the constantly increasing armaments of that great despotic Power which have created a *prestige* in the imagination of foreign nations, and have enabled her to extend her influence in quarters where it ought never to have reached, are alike dangerous to the independence of Europe, and to the progress of civilisation. Why, my Lords, at this moment Russia defies England and France and Turkey in arms, and the public opinion of the whole world; and I say that the State or the Sovereign of a country who can do that either possesses, or believes himself to possess, a power which cannot be exercised with safety to others, and particularly when such a power is exercised in support of unjust pretensions. I say further, that if such a power is a reality, it must be curtailed—if it is a delusion, it must be dispelled; and such, I think, will be the result of the present war, and of the great and disinterested efforts of England and France. I say disinterested efforts, my Lords, not because England and France have not a deep and abiding interest in upholding the cause of international justice, and in sustaining the cause of the weak against the strong, and also in the progress and prosperity of other countries, for which peace is the first and an indispensable condition; but I say, when two great commercial and maritime Powers, after having exhausted all the resources of negotiation to maintain peace, deliberately renounce its advantages and engage in a contest which may be very long and must be very costly, solemnly protesting at the same time not to obtain advantages for themselves from the contest, that I say is a disinterested policy. It is a guarantee to Europe for the honesty of their intentions; and, my Lords, I rejoice that it is reserved for our time, and above all for two great nations such as England and France, to place upon record such an engagement, and set an example so generous and so well worthy of imitation. In bringing our fleets and armies to bear against the common enemy, we have not had the same financial and, above all, not the same political difficulties to encounter as Austria has. Those difficulties, for which my noble Friend must make allowance, are principally of a German character; and I do not think we ought to blame

Austria for not advancing till her frontiers were secure. I consider that she has managed her affairs skilfully, and overcome all the manœuvres and tricks that have been resorted to to paralyse her action; and I have great satisfaction in stating to your Lordships that within the last six-and-thirty hours, and consequently since the evacuation of the Principalities by the Russian troops was known at Vienna, notes have been exchanged between Her Majesty's Government and the Government of Austria which will show, when they come to be made public, that Austria has as little intention as ourselves to return to the *status quo*.

My Lords, before I sit down, I will just say a few words with reference to what my noble Friend stated respecting the measures that we have taken, and the position in which we now stand. I beg your Lordships to recollect that it was only upon the 29th of last March that war was declared, or little more than four months ago; and it was at that time the universal opinion—and when I say that, I do not speak of Her Majesty's Government, but of the most experienced military officers of both England and France—that Russia then meditated a war of further aggression. Nobody believed, with the great forces that she had concentrated on the north of the Danube, with all the efforts which for months before she had made, and all the vast supplies she had accumulated, that she did not intend—indeed, everybody felt perfectly convinced that she did intend—to march southwards. And although we did not distrust the known bravery of the Turks, still we could not bring ourselves to believe that they would be able successfully to resist the well-disciplined and, numerically, much superior troops of Russia, under the most experienced generals, while the only experienced general of the Turks whom we knew by name was Omar Pasha, who had not then had the opportunity he has since had, and by which he has so nobly profited, of achieving for himself a lasting renown. My Lords, so much were we and the French Government convinced of this that Sir John Burgoyne and a French officer of engineers were sent to Constantinople in order to devise means for defending that capital and the Dardanelles; and so much importance was attached to their mission, and so entirely was the whole plan of the campaign supposed to be connected with it, that the departure of Lord Raglan and Marshal St. Arnaud was delayed, that they might have a personal communication with the officers who had been sent out on this specific service. The allied armies then proceeded to Gallipoli, where great works were thrown up. They also went to Constantinople, always keeping in view the necessity of the defence of the Dardanelles. Their arrival there was anxiously expected—they were received with enthusiasm, and their presence imparted new vigour and courage to the Turks. The commanders of the two armies went to Varna, to meet Omar Pasha, and he entreated that a large portion of the allied forces might come to Varna, knowing well how great must be the moral effect of such a movement upon his own troops. The Russians made every exertion to take Silistria before the arrival of the allied forces. The fortress was most heroically defended by the Turks. The arrival of the allied armies was most useful to them; and, as your Lordships are aware, the siege was raised, and the Russian army recrossed the Danube; the Dobrodscha was for the most part evacuated; and all thoughts of a southward movement on the part of the Russians were at an end. Offensive warfare on their part is no longer dreamt of; and the allied armies are now ready to commence, and perhaps they have already commenced, those more important operations to which my noble Friend alluded. Then, again, my Lords, as to the Baltic, we have certainly sent out there the finest and most powerful fleet which ever left the shores of this country; and if great successes are not to be obtained against a Power who obstinately refuses battle, and shuts up his fleet within granite walls, yet his ships are blockaded and useless; and when we consider what the amount of our trade is, and how we depend upon that trade for our revenue, and in fact for our position as a first-rate Power among the nations of Europe, I say it is not an unimportant thing that, in a war with a great maritime Power, our ships traverse every sea unmolested, and as unconscious of danger as in times of profoundest peace. While the Russian fleets are thus blockaded, our commerce flourishes, and the trade of Russia, I must say with all deference to my noble Friend, is nearly extinct. I am not as able to quote prices as my noble Friend, or to tell upon what terms certain Russian productions can be brought to this country; but I know, at least, that none of them come from the Russian ports

He was sorry to say that in consequence of the state of affairs in Spain the Governor General of Cuba (the Marquess of Pezuela) had been recalled; but General Espartero had given the best evidence of his intention to act in the same spirit by appointing General Concha to the important office of Governor General of Cuba. He could assure their Lordships that no efforts on the part of Her Majesty's Government would be wanting to secure a continuance of the good measures which had been adopted, and he had every reason to hope, from his knowledge of General Espartero, that he would take the same course. Before he sat down he would mention another matter which he thought well deserved public notice. For some months past there had been a report which, he was sorry to say, was very generally believed in the United States, notwithstanding all the forms of contradiction that had been given to it, that it had been for some time past the fixed intention of Her Majesty's Government to Africanise the island of Cuba and establish a black republic there, which it was considered would be most dangerous to the tranquillity of the Southern States; and that rumour had been made the pretext for all those bucaneering expeditions against Cuba which he believed the President and Government of the United States were most earnest in their endeavours to put a stop to. He had been asked whether such a treaty was not in existence, or whether negotiations had not been entered into for the formation of such a treaty; but his answer was, that the first rumour he ever heard on the subject came from the other side of the Atlantic; that they had never made any other application to the Government of Spain than for the faithful observance of the treaties to put down the slave trade which the United States, just as much as themselves, were bound to assist in. The report in question had obtained so much ground in America that he thought it his duty, on the last opportunity which he would have of bringing the subject before the House this Session, to give this formal contradiction to the report.

NEW ZEALAND GOVERNMENT ACT—PETITION.

Lord MONTEAGLE *presented* a petition from members of the Provincial Council of Auckland for the amendment of the New Zealand Government Act.

The Earl of Clarendon

This petition was deserving of the greatest possible attention on the part of their Lordships, because it had been signed by all the members of the Provincial Assembly of the settlement of Auckland, from which it emanated. The grievance of which the petitioners complained was one which had been imposed upon them by an Act of the Imperial Legislature, and that body alone could, therefore, relieve them from it. In the Act giving a constitution to New Zealand, which was passed two years ago, a clause—opposed at the time by the noble Duke now Secretary for War (the Duke of Newcastle) in that House, and by the present Chancellor of the Exchequer in the other—was inserted, creating a charge of 268,000*l.* in favour of the New Zealand Company upon the Crown lands of New Zealand, which, subject to this liability, were transferred to the colonists. Now, this charge in favour of the Company was felt as a great grievance by the whole of the colonists, but especially by the inhabitants of the province of New Munster, who had never, either directly or indirectly, derived the slightest advantage from the sums expended in the island by the Company. The petitioners, therefore, prayed the House to take measures to relieve them from a charge which they felt to be unjust; and, in conclusion, they declared their determination to resist by every legitimate means the payment of 1*s.* from the revenue of the province which they represented to the New Zealand Company. And they stated that they felt the greatest confidence that the House would encourage their determination not to evade a reasonable obligation, but to oppose a charge which they believed to be oppressive and unjust.

The Duke of NEWCASTLE said, that his noble Friend had referred to what had passed two years ago, and to the part which he took in the debates on the New Zealand Constitution Act two years ago. He could only say that he fully adhered to every opinion which he then expressed, and that he had stated so when he held the Seals of the Colonial Office. In reply to a question which Earl Grey put to him towards the close of last Session, he had stated that he considered the arrangement made by the late Government with the New Zealand Company was not of an equitable character, as regarded the inhabitants of New Zealand, and especially those of the province of Auckland; but that he, nevertheless, thought that no alteration could be made in that arrangement, which was sanctioned by Act of Parliament, until the Colony should have taken the initiative in appealing to the House and the Government for any relief to which it deemed itself entitled. In consequence, however, of the distance of this Colony from England, no remonstrance in an authoritative form against this Act was received thence until a few days before he left the Colonial Office. Had he remained there he should certainly have taken the subject into consideration, in order to see whether any relief could be afforded to the Colony without inflicting injustice on the Company, which had received a benefit from the legislation of Parliament; for, however little they might be entitled to that advantage at the time they received it, the Act of Parliament which had passed had placed them in a different position, and given them a vested right to it. He knew, from personal communication with his right hon. Friend now at the head of the Colonial Office, that he had turned his attention to the subject; and without saying how an arrangement could be made, or without even committing the Government to any positive engagement that an arrangement could or would be made, he could assure his noble Friend that the Government were deeply impressed with the importance of this question, as it affected the prosperity of the colony of New Zealand, and that their attention would be earnestly directed to it.

Petition ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, August 11, 1854.

MINUTES.] NEW WRITS.—For Marylebone, *v.* Sir Benjamin Hall, Bart., Chiltern Hundreds; for Canterbury, *v.* Henry Plumptre Gipps, Esq., and the Hon. Henry Butler Johnstone, void Election; for Cambridge, *v.* Kenneth Macaulay, Esq., and John Harvey Astell, Esq., void Election; for Maldon, *v.* Charles Du Cane, Esq., and Taverner John Miller, Esq., void Election; for Barnstaple, *v.* Sir William Augustus Fraser, Bart., and Richard Bremridge, Esq., void Election; for Kingston-upon-Hull, James Clay, Esq., and George Frederick Samuel Robinson, Esq., commonly called Viscount Goderich, void Election.

NEW MEMBER SWORN.—For Cockermouth, John Steel, Esq.

PUBLIC BILL.—1° Fairs and Markets (Ireland).

PARLIAMENTARY RETURNS.

MR. FITZROY said, the hon. and gallant Member for Ayrshire (Colonel Blair) had lately put to him a question with reference to a return moved for by the hon. Member for Elgin (Mr. Cumming Bruce) some weeks ago, and he had told the hon. and gallant Gentleman on that occasion that he was not aware in what stage this return was. He had now brought down these papers, which had just been placed in his hand, in order that the House might see the bulk of this return, and might have some idea of the time, labour, and consequent expense which were occasioned by the custom now pursued of moving for returns to obtain information which was already within the reach of Members of that House. [The hon. Gentleman here placed on the table a large mass of MS.] He was informed that the whole of the information to be derived from this return was to be found in the Census papers, which had already, as the House knew, cost the country many thousand pounds. He was further assured that the hon. Member who had moved for it was informed at the time that he could obtain all the information he sought for in the pages of the Census Returns. As this was a habit which was really becoming rather a nuisance, and as the country was liable every year to enormous expense for the production of returns, which, in many cases, did not contain information of vital importance, he did hope, before the next Session of Parliament, that means would be devised by which some check might be put to this practice. Perhaps he might be allowed to refer to some particulars of a return moved for in 1852, and which had only been laid before the House this Session with respect to local rates. This return was subdivided into so many heads and comprised so much detail that the cost of the paper alone and the number of different persons employed in procuring that return were really almost incredible. With the permission of the House, he would read a short statement which had been prepared on the subject. To obtain this return upwards of 34,500 circular letters were sent out from the Poor Law Board and the Home Office, and returns were received in accordance with those letters. These returns, having been received, had to be made up into 328 tables, and 260 distinct calculations were made in order to reduce them into their proper form. The paper alone required was seventy-two reams of foolscap, and the weight of the paper, together with the envelopes, was 1,388 pounds. He was told that that return, which had never yet been added up, because no office could be found to undertake the task with its present staff, would require two clerks during at least one year, in order to add up the separate items, and that, when completed, they would afford the House no information whatever beyond what it already possessed. He hoped this was a subject which would not be thought unworthy the attention of the House, and that some means would be devised by which the enormous expense entailed upon the country in this way might be prevented.

NEW WRIT FOR CANTERBURY.

SIR **WILLIAM JOLLIFFE** said, he rose, pursuant to notice, to move that new writs be issued for Canterbury, Cambridge, Maldon, Barnstaple, and Kingston-upon-Hull. The wording of the Amendment which the hon. Member for Finsbury (Mr. T. Duncombe) had put upon the paper would appear rather to indicate a wish on his part that the House should delay indefinitely the issue of those writs than that they should adopt the ballot. There were a great many Members in that House who had great faith in secret voting. He confessed he (Sir W. Jolliffe) was not one of those gentlemen, for, on the contrary, he had the greatest faith in publicity. He was not there in any way to defend those delinquent boroughs; he regretted their delinquency extremely—it was most lamentable; and he thought it was the province of that House to apply itself to remedy the evil, and if possible to remedy it effectually. He might, however, remind the House that the issue of the writs in question had been delayed of late in order to enable the House to pass the Bribery Bill; and that Bill having now become law, it would come into operation immediately in the boroughs for which he now moved the issue of new writs. That being the case, it appeared to him the House had no other course left but to issue the writs. Besides, a constitutional question arose in the matter. It had always been held that that House should consist of 658 Members. Now, the effect of the course which had been taken with regard to these boroughs had been to deprive the House during the whole of the present, and part of the last Session, of ten English Members, and this, in addition to the four Members whose seats were not filled up, in the case of the disfranchised boroughs of St. Albans and Sudbury. That made altogether fourteen English Members of whose services the country was deprived, in addition to those who were absent from England in consequence of the war. Now, a limit should be put by the House to proceedings of this kind, and he hoped, therefore, the Motion of which he had given notice would be adopted. In conclusion, he would ask what would be said if the House were to attempt to keep vacant for any considerable period a large number of Irish seats or seats for the metropolitan boroughs?

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of two Citizens to serve in this present Parliament for the City of Canterbury, in the room of Henry Plumptre Gipps, esquire, and of the Honourable Henry Butler Johnstone, whose Election has been determined to be void."

MR. **T. DUNCOMBE** said, his hon. Friend (Sir W. Jolliffe) had exercised a wise discretion in not saying much in reference to these boroughs; for the least said respecting them was soonest mended. He would, however, endeavour shortly to supply the omissions of his hon. Friend. He had been asked by his hon. Friend if he would make such a Motion in the case of the metropolitan boroughs. He would tell his hon. Friend that should the occasion arise he would deal with them in the same way as the five delinquent boroughs. He wanted to have the experiment of the ballot tried upon these five cases, and he was certain it could never be better tested than by them. He would not go over the able arguments which had been used by his hon. Friend the Member for Bristol (Mr. H. Berkeley), and his right hon. Friend the Member for Southwark (Sir W. Molesworth), in favour of the ballot. The House knew perfectly well how the question stood. Two Cabinet Ministers had spoken on the question of the ballot when it was last under discussion in the House. The one of them, the noble Lord the Member for Tiverton (Viscount Palmerston), said the ballot was a nasty, dirty, mean, and un-English proceeding—and declared it was all nonsense. The other said it was the only cure for the evils of which they had to complain. His hon. Friend (Sir W. Jolliffe) might have added to the list of Members of whose services the House was now deprived the name of one of the Members for the City of London (Baron Rothschild), who, owing to the bigotry and intolerance of hon. Gentlemen on the other side and the House of Lords, was obliged to take his seat under the gallery. He was like a person sitting in the porter's hall till my Lords and hon. Gentlemen opposite asked him to come in. This was an insult to the citizens of London—it was degrading to the individual, and humiliating to the House of Commons, The Commissions for conducting the inquiry into these delinquent boroughs cost the country 30,000*l.*, and all they were to have for the money was a trumpery Bribery Bill. The issue of the writ for Canterbury was the Motion now before the House. Canterbury was an archiepiscopal borough. The sooner the Archbishop changed the name the better. He would recommend to him the name of one of the metropolitan boroughs—Finsbury, for instance. Cambridge was an ancient seat of learning, and bribery "systematically prevailed" there for a long period. The same was the case with Hull. The ballot might be the means of recalling to the electors of Hull the times when they elected Andrew Marvel. It was the electors who paid his expenses. They "treated" him, and not he them—for they made him a present of a large barrel of ale, "of a quantity and quality enough to make a sober man neglect his duty in the House." It was a perfect farce to send these writs to these boroughs under the Bribery Bill. He had received a letter from the town clerk of Barnstaple, who said that the

> "issuing of the writ would infallibly disfranchise the borough, the representation of it being in the hands of those who did not appreciate it except as a saleable commodity."

One of the hon. Members for Devonshire presented what he called "a respectable petition" from 600 or 700 persons in favour of the issuing of the writ to Barnstaple. Now he was informed that of these only 317 were electors, and that 215 out of the 317 were in the Commissioners' schedule. Even though he should not carry his Amendment, he would oppose the issuing of the writs till they had an amended Controverted Elections Bill. He regretted that Her Majesty's Ministers were not present. He understood that the ballot was an open question with them. But there was a strong feeling growing up that this open-question system was but an ingenious device for screening what were called placemen. He supposed they left the question to be fought by his hon. Friend and himself. He should conclude by moving the Amendment of which he had given notice.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "Whereas Her Majesty, in pursuance of the provisions of an Act passed in the 15th and 16th of Her Majesty, c. 57, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' and in compliance with the prayer of the joint Addresses of both Houses of Parliament, did appoint, under Her Royal Sign Manual, certain persons to be Commissioners, for the purpose of making such 'more effectual inquiry' into the corrupt practices alleged to have existed in the Election of Members for Canterbury, Cambridge, Kingston upon Hull, Maldon, and Barnstaple. And whereas the said Commissioners have reported to Her Majesty—That corrupt practices extensively prevailed at the last Election for the City of Canterbury, and at previous Elections: That Bribery, Treating, and other corrupt practices have for a long period systematically prevailed at Elections for the Borough of Cambridge: That systematic corruption has uniformly prevailed at all the Elections in Kingston upon Hull to which their notice had been called. That corrupt practices in various forms had long prevailed at Elections for Maldon, and that open and direct Bribery was practised, at the last Election, to a greater extent than at any which preceded it; that the Bribery Oath was tendered to each voter as he came to the poll, and that it was freely taken by all, however recent, open, and unquestionable the bribe to them may have been, and this shamelessness was in some cases increased by their becoming witnesses before the Commission of the double fact of their own bribery and perjury; that a large portion of the Electors, consisting chiefly of the poorer class of freemen, had, in giving their votes, been influenced by considerations of money and other benefits to themselves, and that such influences had been habitually employed to corrupt them, but that the blame of such corruption did not rest so much with them as with their superiors, by whom the temptation to it was held out: That corrupt practices extensively prevailed at the last Election for Barnstaple; that, of the 696 voters who polled, 255 received bribes; that, in the majority of cases, those who received bribes came forward and admitted their delinquency, but in some instances the efforts of the Commission to elicit the truth were met with gross evasion, prevarication, and even perjury, but these instances were not confined to the lowest class of voters—men whose position in life ought to have placed them beyond the reach of corrupt influences attempted to screen their venality by denying it upon oath; and apparently decent and respectable tradesmen were induced to commit the crime of perjury, in order to preserve their position in the eyes of their fellow townsmen, and thus to hide the shame of their electoral corruption: It is expedient that, previous to the issue of any New Writ to either of the aforesaid places, provision be made to enable the Electors thereof to give their votes by way of Ballot,"—

instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 40; Noes 33: Majority 7.

Main Question put.

The House *divided*:—Ayes 45; Noes 32: Majority 13.

NEW WRIT FOR CAMBRIDGE.

Sir WILLIAM JOLLIFFE said, he would now move the issue of the writ for Cambridge.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Cambridge, in the room of Kenneth Macaulay, esquire, and John Harvey Astell, esquire, whose Election has been determined to be void."

Mr. H. BERKELEY said, he had never, as had been asserted by the hon. Member for Petersfield (Sir W. Jolliffe), on more than one occasion, put forward the ballot as a panacea for bribery and corruption. What he had said was, that the ballot was a perfect remedy for intimidation, but he had never said it was as regarded bribery. On the contrary, he thought that so long as one man was willing to purchase a vote and another man pleased to sell his vote, and so long as they could come to an arrangement between themselves, and could trust each other, there would be no possibility of getting rid of bribery by any known means. He had always said so; but then he had likewise stated that the ballot would destroy the confidence between the buyer and the seller, which was one way of putting down bribery and corruption. As regarded Maldon and Barnstaple, the Government had distinctly pledged themselves to increase the constituencies in those boroughs; and he hoped they were not so far lost to all sense of propriety as not in some way or other to redeem that pledge. With an increase of the constituencies he thought that the ballot would prove the best means of repressing bribery which could be adopted. In regard to the borough of Cambridge, he had only to say that wherever there was a University there was intimidation. The intimidation carried on by the University of Oxford was a palpable, notorious, and crying evil. The same observation applied equally to Cambridge, which was as corrupt a place as any in the kingdom. He should have been delighted to have seen the ballot tried upon Cambridge; but, as it seemed to be the determination of the House that that should not be, it was with the greatest possible pleasure that he should oppose the issuing of the writ for the borough of Cambridge.

Mr. HUME said, he must express his deep regret that the Government had not thought fit to make an experiment of the ballot on this occasion, and he likewise thought they were highly to blame for not coming down to the House to state their reasons for refusing their assent to the proposal of the hon. Member for Finsbury (Mr. T. Duncombe). It was true that the House had heard from the Treasury bench one good speech in favour of the ballot, and one bad speech against it; but the opinion of the Government ought to have been stated upon the present occasion, and he hoped the country would not forget the small majority against the proposition of the hon. Member for Finsbury. For his own part, if the Government did not fulfil the pledges they had given with respect to measures of reform, he did not know how far he would be able to support them in their present position.

Mr. MALINS said, that hon. Gentlemen opposite might depend upon it that, so long as the franchise was in the hands of men who were in such distressed circumstances that they could not resist a bribe when it was offered to them, it would be impossible by the ballot, or any other means, to put a stop to corrupt practices at elections. The Cambridge Commissioners stated, in their Report, that of the 111 persons who received bribes at the last election, no fewer than 108 were householders who voted upon very low rentals. It appeared that the number of freemen who had been bribed in that borough was 1 in 7; of householders rated at not more than 10*l.*, 1 in 8; at above 10*l.* and under 15*l.*, 1 in 11; at above 15*l.* and under 20*l.*, 1 in 16; above 20*l.* and under 30*l.*, 1 in 30; above 30*l.* and under 40*l.*, 1 in 55; and above 40*l.* none. One of the witnesses declared that if the franchise were limited to rentals of 20*l.*, instead of descending to rentals of 10*l.*, it would be entirely useless to attempt to buy the votes of the electors. In these circumstances, he would suggest to hon. Gentlemen opposite whether it would not be better, instead of trying the ballot, to devise some scheme by which the elective franchise might be elevated, or, if kept at its present level, by which there might be something like a graduated scale of voting.

Mr. T. DUNCOMBE said, he would also refer to the Report of the Commissioners, who said that the price generally paid for a vote in the borough was 10*l.*, although some of the electors were so dishonest as not to vote at all, notwithstanding they had received the money beforehand.

Sir WILLIAM JOLLIFFE said, he begged to explain that he had not stated what had been attributed to him by the hon. Member for Bristol (Mr. H. Berkeley), that secret voting would not protect persons against oppression.

Question put.

The House *divided*:—Ayes 46; Noes 31: Majority 15.

NEW WRIT FOR MALDON.

Sir WILLIAM JOLLIFFE said, he would now move that the writ be issued for the election of two Members to serve in Parliament for the borough of Maldon.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Town of Maldon, in the room of Charles du Cane, esquire, and Taverner John Miller, esquire, whose Election has been determined to be void."

The House *divided*:—Ayes 47; Noes 31: Majority 16.

NEW WRIT FOR BARNSTAPLE.

Sir WILLIAM JOLLIFFE said, he would next move that the writ be issued for the election of two Members to serve in Parliament for the borough of Barnstaple.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Barnstaple, in the room of Sir William Augustus Fraser, baronet, and of Richard Bremridge, esquire, whose Election has been determined to be void."

Mr. T. DUNCOMBE said, he thought it was time that he should ask where had all the subordinate Members of Her Majesty's Government been during the last two divisions? He could not see his hon. Friend the Secretary to the Admiralty nor his hon. and learned Friend the Attorney General. Where, too, was the right hon. Baronet the Member for Southwark (Sir W. Molesworth), who had described the denial of these writs as the panacea both for bribery and intimidation. The noble Lord the President of the Council had been attending Her Majesty in Council, and therefore his non-attendance at an earlier period was excusable. Now that he had arrived, he (Mr. Duncombe) would like to hear his opinion upon the question of issuing the writ for Barnstaple. The noble Lord had presented a petition from certain voters of that place, in which they complained of the mal-practices at previous elections, and said that, rather than such things should be renewed, they would desire to remain unrepresented. Did the noble Lord think that the measure which had recently been passed would prevent a recurrence of such mal-practices? The noble Lord, when he moved, on the 2nd of June, that seven days' notice should be given of any Motion for issuing these writs, stated that Barnstaple was a very bad case, and that at once to issue the writs without taking any notice would be almost a direct inducement to bribery. The noble Lord then went on to declare that, in his opinion, the only way to deal with the matter was to disfranchise those voters who had been guilty of receiving bribes. This, said the noble Lord, was better than a system of pecuniary penalties. But he (Mr. Duncombe) would now remind the noble Lord, that the measure which had lately been passed only imposed a system of penalties. Hence he hoped—whatever might have been the decision of the House as to the other writs—that hon. Members would unite in opposing the issue of a writ for Barnstaple.

Mr. H. BERKELEY said, he also hoped the House would not issue writs for a borough which was so utterly profligate and lost to all sense of what was right.

Lord JOHN RUSSELL said, he regretted that he had not been present at an earlier period of the discussion, but he had been obliged to attend Her Majesty in Council. With respect to the question before the House, he much regretted that the Bills which had been brought in by his hon. and learned Friend (the Attorney General) to disfranchise electors of these boroughs who had accepted bribes, owing to the objection that some pledge of immunity had been given by the Commissioners, could not be proceeded with. He had felt that it was a matter of some difficulty to decide whether the writs should issue or not, but as they had passed a Bill with respect to bribery and treating, he thought it was desirable that they should not any longer keep these places from exercising their legal right of returning Members to Parliament. It was very true that that Bill had been passed only for a limited period; still it contained a clause that the names of persons who had been convicted of bribery might be sent to the revising barrister, who could strike them out of the list of voters. They would be placed in separate lists, so that every one might see that they had the stigma of bribery affixed to them. He conceived that this would be a considerable discouragement to bribery, and it would likewise be necessary for a candidate to give an account of all his expenses, and, if any of them had been unduly incurred, investigation would take place. He conceived, therefore, that a good deal had been done to check bribery, and he should be glad to see whether bribery would take place on future occasions at Barnstaple and other places to the same extent as formerly. The Select Committee upon Controverted Elections would be again appointed next year, and that question would be fully gone into.

Sir FITZROY KELLY said, he must beg to express his great satisfaction at hearing that the noble Lord intended to introduce next Session a Bill for the amendment of the law for the trial of controverted elections. He was disappointed at the declaration clause having been thrown out of the Bribery Bill; but it must not be forgotten that a candidate might be called upon to answer upon oath, on the trial of an election petition, as to all the matters which were the subject of the declaration.

Question put.

The House *divided*:—Ayes 47; Noes 31: Majority 16.

NEW WRIT FOR KINGSTON UPON HULL.

Sir WILLIAM JOLLIFFE said, the last Motion he had to bring forward on this subject was, that a new writ should issue for the borough of Kingston upon Hull.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a Writ for the electing of two Burgesses to serve in this present Parliament for the Town of Kingston upon Hull, in the room of James Clay, esquire, and George Frederick Samuel Robinson, esquire, commonly called Viscount Goderich, whose Election has been determined to be void."

Mr. HUME said, he begged to ask the noble Lord whether, if the Bribery Bill failed, he would consider all had been done that could be done by legislation, and be prepared to try the ballot.

Lord JOHN RUSSELL said, he did not think the ballot would be a remedy, and could not admit that the question of further legislation was affected by the failure of this Bill, because parts of the Bill recommended by the Committee had not been agreed to, and the Controverted Elections Bill had been withdrawn. He supposed his hon. Friend would give ten or twenty years for this experiment. At all events, he did not think the trial of the ballot in these isolated cases would be a fair experiment, because if these places, having been made notorious, intended to regain their character, whatever the mode, the elections would be pure.

Mr. T. DUNCOMBE said, he thought this a most painful and humiliating discussion, and that the majority of the Government was disgracefully small, considering the period of the Session, when independent Members generally were gone out of town. In his view, they committed a great injustice if they issued these writs and refused to restore the franchise to St. Albans and Sudbury. He expected much, however, from the promised Reform Bill of the noble Lord next Session. He trusted it would give an extension of the franchise; but, with the infusion of new blood, he hoped there would also be improved conduct. He regretted that he should have to trouble the House by taking one more division.

Sir FITZROY KELLY said, he wished to give notice that it was his intention in the next Session of Parliament to re-introduce the Bill which he had this year presented to Parliament, for enabling voters to give their votes by written declaration before the magistrates in every parish, which would at once and for ever dispose of the perplexing questions of travelling expenses and expenses of refreshment, and render resort to the ballot unnecessary.

Question put.

The House *divided*:—Ayes 50; Noes 30: Majority 20.

The House adjourned a quarter before Seven o'clock.

HOUSE OF LORDS,

Saturday, August 12, 1854.

Minutes.] Royal Assent.—Consolidated Fund (Appropriation); Customs; Russian Government Securities; Second Common Law Procedure.

PROROGATION OF THE PARLIAMENT.

This day being appointed for the Prorogation of the Parliament by The Queen in Person, HER MAJESTY entered the House at a quarter after two o'clock, accompanied by the PRINCE ALBERT, and attended by the Great Officers of State.

THE QUEEN being seated on the Throne, and the Commons (who were sent for) being come with their Speaker,

MR. SPEAKER made the following speech to HER MAJESTY—

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, attend Your Majesty with our last Bill of Supply for the service of the present year.

"In reviewing the labours of the past Session, we have humbly to thank Your Majesty for Your gracious permission to bring under our annual revision a large amount of public expenditure connected with the principal revenue departments which have hitherto been exempt from Parliamentary control. It will be our duty in future years, with a just regard to economy, to make ample provision for these important branches of the public service.

"In obedience to Your Majesty's commands, we have endeavoured to impose an effectual check on bribery and corrupt practices at elections, and we venture to hope that the Act lately passed—which clearly defines these offences, applies to them an adequate punishment, and places election expenses under efficient control—will prove successful in repressing a practice which is alike demoralising to the elector and fatal to the integrity of representative institutions.

"We have given the most attentive consideration to a measure for the good government and extension of the University of Oxford, by which certain oaths now required to be taken by students have been abrogated, provision made for the establishment of private halls, and enlarged powers given both to the University and to its colleges. We have every confidence that these enactments will be received by that learned body in the spirit in which they have been framed, and that they will be enabled to extend the benefits of academical education to classes of the community who, from their circumstances or their religious opinions, have hitherto been precluded from the enjoyment of this privilege.

"Various other measures have been submitted to us; but it has been found impossible to mature them during the Session, as the progress of our legislation has been interrupted by the commencement of a war which, notwithstanding Your Majesty's unremitting endeavours to maintain peace, has been forced upon us by the unwarrantable aggression of Russia on the Turkish empire.

"Deploring most deeply the necessity for such a contest, we recognise the imperative duty of protecting an old and faithful Ally from oppression and of vindicating the rights of nations; and we believe it well becomes the character and honour of this great empire, adhering to the faith of treaties, to frustrate, if possible, the designs of a Monarch whose ambition, if uncontrolled, would endanger the security of every nation in Europe.

"Entertaining these views, Your faithful Commons have cheerfully, and without hesitation, placed at the disposal of Your Majesty whatever supplies have been deemed requisite to carry on this just and unavoidable war, thus enabling Your Majesty to send forth fleets and armies complete beyond all former precedent in discipline and equipment.

"The efforts of Your Majesty to strengthen the arms and aid the cause of Turkey have been cordially seconded by the Emperor of the French, and the joint forces of England and France—their ancient hostility converted into generous emulation—now threaten the coasts and harbours of Russia to the most distant extremity of her vast dominions.

"The issue of this momentous struggle is in the hands of an overruling Providence. Confident in the justice of our cause, we looked forward with hope to its successful termination, acknowledging with the deepest gratitude that, while war in all its terrors is raging abroad, Your Majesty's subjects, under Your Majesty's well-ordered and beneficent rule, are enjoying the blessings of uninterrupted tranquillity at home.

"I have now to pray Your Majesty's assent to an Act for appropriating the sums voted for the service of the year—the Consolidated Fund (Appropriation) Bill—to which I humbly pray Your Majesty's assent."

And Mr. SPEAKER delivered the Money Bill to the Clerk; and the Royal Assent was then pronounced to several Bills.

HER MAJESTY was then pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"I AM enabled by the State of Public Business to release you from a longer Attendance in Parliament.

"*Gentlemen of the House of Commons,*

"IN closing the Session it affords Me great Pleasure to express My Sense of the Zeal and Energy you have shown in providing Means for the vigorous Prosecution of the War, in which, notwithstanding My Efforts to avert it, we are now engaged. This Liberality in granting the Supplies for the Public Service demands My warmest Thanks; and although I lament the increased Burthens of My People, I fully recognise your Wisdom in sacrificing Considerations of present Convenience, and in providing for the immediate Exigencies of the War without an Addition being made to the permanent Debt of the Country.

"*My Lords, and Gentlemen,*

"IN cordial Co-operation with The Emperor of the *French*, My Efforts will be directed to the effectual Repression of that ambitious and aggressive Spirit on the Part of *Russia* which has compelled Us to take up Arms in defence of an Ally, and to secure the future Tranquillity of *Europe*.

"YOU will join with Me in Admiration of the Courage and Perseverance manifested by the Troops of The Sultan in their Defence of *Silistria*, and in the various Military Operations on the *Danube*.

"THE engrossing Interest of Matters connected with the Progress of the War has prevented the due Consideration of some of those Subjects which at the opening of the Session I had recommended to your Attention; but I am happy to acknowledge the Labour and Diligence with which you have perfected various important Measures well calculated to prove of great Public Utility.

"YOU have not only passed an Act for opening the Coasting Trade of the United Kingdom, and for removing the last legislative Restriction upon the Use of Foreign Vessels, but you have also revised and consolidated the whole Statute Law relating to Merchant Shipping.

"THE Act for establishing the direct Control of the House of Commons over the Charges incurred in the Collection of the Revenue will give more complete Effect to an important Principle of the Constitution, and will promote Simplicity and Regularity in our System of Public Account.

"I REJOICE to perceive that Amendments in the Administration of the Law have continued to occupy your Attention, and I anticipate great Benefit from the Improvements you have made in the Forms of Procedure in the Superior Courts of Common Law.

"THE Means you have adopted for

the better Government of the University of *Oxford,* and the Improvement in its Constitution, I trust will tend greatly to increase the Usefulness and to extend the Renown of this great Seminary of Learning.

"I have willingly given My Assent to the Measure you have passed for the Prevention of Bribery and of corrupt Practices at Elections, and I hope that it may prove effectual in the Correction of an Evil which, if unchecked, threatens to fix a deep stain upon our Representative System.

"It is My earnest Desire that on returning to your respective Counties you may preserve a Spirit of Union and Concord. Deprived of the Blessings of Peace abroad, it is more than ever necessary that we should endeavour to confirm and increase the Advantages of our internal Situation; and it is with the greatest Satisfaction that I regard the Progress of active Industry and the general Prosperity which happily prevails throughout the Country.

"Deeply sensible of these Advantages, it is My humble Prayer that we may continue to enjoy the Favour of the Almighty, and that, under His gracious Protection, we may be enabled to bring the present Contest to a just and honourable Termination."

Then the LORD CHANCELLOR, by HER MAJESTY'S Command, said—

"My Lords, and Gentlemen,

"It is Her Majesty's Royal Will and Pleasure, That this Parliament be prorogued to *Thursday* the Nineteenth Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the Nineteenth Day of *October* next."

Her Majesty and the Prince Albert, attended by the Great Officers of State, then retired; and the rest of the assembly immediately dispersed.

HOUSE OF COMMONS,

Saturday, August 12, 1854.

THE EVACUATION OF THE DANUBIAN PRINCIPALITIES—QUESTION.

Mr. HUME said, he wished to know whether, before the House separated, any information could be given upon a subject which had been alluded to in another place two nights ago, as calculated to lead to a hope that the first object which this country had in view in declaring the war had been obtained, namely, clearing the Danubian Principalities of Russian troops, which appeared to have been effected entirely by the Turkish troops, backed, no doubt, by the support of the French and English forces. The country was very naturally most impatient to know the nature of the communication which Austria had made to France and England, requiring securities for future peace. It was important to know whether Austria and Prussia—more especially Austria—were prepared to concur with us in demanding these securities, which would prevent the peace of Europe being again disturbed upon such frivolous grounds as those upon which the present war had been commenced.

Lord JOHN RUSSELL stated, in answer to the question of the hon. Member, that there had been very lately a communication made by the Russian Minister at Vienna to the Government of His Imperial Majesty the Emperor of Austria, stating that it was the intention of the Emperor of Russia to evacuate the Principalities—Moldavia as well as Wallachia; at the same time there was a declaration made by the Minister of Foreign Affairs of Austria to Her Majesty's Minister at Vienna, and to the French Minister at that Court on the same occasion, that he was ready to proceed to the interchange of notes which had been before agreed upon, notwithstanding the evacuation of the Principalities. The notes of the English and French Ministers contained a statement of the general nature of the securities which would be required for the future peace of Europe against the aggression of Russia. It was unnecessary for him to enter into the nature of these securities, as they had been stated in a very able paper by the French Minister on Foreign Affairs, which had been published by order of the Emperor in the *Moniteur*, and which hon. Members had no doubt seen. The answer of the Minister of Foreign Affairs of the Emperor of Austria was so far satisfactory, as it showed that the Emperor of Austria would not be satisfied with the restoration of the *status quo ante bellum*, and that there was a general opinion with respect to the securities which were required by the English and French Governments being a proper basis of negotiation. The Austrian Minister did not go further at present. It remained to be seen whether the Government of His Imperial Majesty would think proper to communicate the interchange of notes which had taken place to the Government at St. Petersburg, and whether the armaments which had been made by the Emperor of Austria would be put in action in order to obtain by force, if they could not be obtained by negotiation, those securities which England and France had thought actually necessary, and which he trusted the German Powers would likewise concur in asking and insisting upon from Russia.

PROROGATION OF THE PARLIAMENT.

Message to attend HER MAJESTY.

The House went, and the Royal Assent was given to several Bills, after which HER MAJESTY was pleased to make a Most Gracious Speech to both Houses of Parliament.

Then the LORD CHANCELLOR, by HER MAJESTY's Command, said—

"MY LORDS, AND GENTLEMEN,

"It is HER MAJESTY's Royal will and pleasure, that this Parliament be prorogued to *Thursday* the nineteenth day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the nineteenth day of *October*.

APPENDIX.

THE BRIBERY, &c. BILL—RESOLUTION.

IN THE HOUSE OF LORDS,

Thursday, August 3, 1854.

The proceedings of the Commons on this Motion are thus recorded in their Votes of the 2nd JUNE :—

New Writs,—Motion made, and Question proposed, "That in the cases of the City of Canterbury and the Boroughs of Cambridge, Kingston upon Hull, Maldon, and Barnstaple, where the Seats of the Members have been declared void by Election Committees on the grounds of Bribery or Treating, no Motions for the issuing of New Writs shall be made without seven days' previous notice being given in the Votes :"—(*Lord John Russell* :)—Amendment proposed, to leave out from the word "made," to the end of the Question, in order to add the words "before the 30th day of December next," instead thereof :—(*Mr. Locke King* :)—Question proposed, "That the words proposed to be left out stand part of the Question :" —Amendment, by leave, *withdrawn* :—Main Question again proposed :—Another Amendment proposed to be made to the Question, by adding at the end thereof the words "and that no such Motion shall be made before the 30th day of June next :"—(*Mr. Locke King* :)—Question proposed, "That those words be there added :"—Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to.*

A TABLE

OF

ALL THE STATUTES

PASSED IN THE SECOND SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

17° & 18° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to explain and amend an Act of the last Session relating to the Duties of Assessed Taxes, and to authorise Justices of the Peace in *Ireland* to administer Oaths required in Matters relating to Income Tax.

II. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-four.

III. An Act for raising the Sum of One million seven hundred and fifty thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.

IV. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

V. An Act to admit Foreign Ships to the Coasting Trade.

VI. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

VII. An Act for extending the Time limited for putting into execution the Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the better Management and Control of Highways in *South Wales*.

VIII. An Act further to amend an Act relating to the Valuation of rateable Property in *Ireland*.

IX. An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

X. An Act for granting to Her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices.

XI. An Act to amend the Laws relating to Ministers Money, and the Church Temporalities (*Ireland*) Act.

XII. An Act for raising the Sum of Sixteen millions twenty-four thousand one hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-four.

XIII. An Act to amend the Acts relating to the Militia of the United Kingdom.

XIV. An Act to continue Her Majesty's Commission for building new Churches.

XV. An Act to empower the Commissioners of the Admiralty to construct a Tunnel between Her Majesty's Dockyard at *Devonport* and Her Majesty's Steam Factory Yard at *Keyham*, and to acquire certain Property for Her Majesty's Service.

XVI. An Act to amend the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth *Victoria*, Chapter fifty-four.

XVII. An Act to make further Provision for defining the Boundaries of Counties, Baronies, Half Baronies, Parishes, Town Lands, and other Divisions and Denominations of Land in *Ireland* for Public Purposes.

XVIII. An Act for the Encouragement of Seamen and the more effectual Manning of Her Majesty's Navy during the present War.

XIX. An Act for facilitating the Payment of Her Majesty's Navy, and the Payment and Distribution of Prize, Bounty, Salvage, and other Monies to and amongst the Officers and Crews of Her Majesty's Ships and Vessels of War; and for the better Regulation of the accounts relating thereto.

XX. An Act to repeal an Act of the Fifty-third Year of King *George* the Third, Chapter Seventy-two, and an Act of the Eighth Year of Her present Majesty, Chapter Twenty-one; and for making Provision for the Appointment and for Remuneration of a Stipendiary Justice for the Division of *Manchester* in the county of *Lancaster*, and of Clerks to such Justice and the Justices for the Borough of *Salford;* and for other Purposes.

XXI. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One Thousand eight hundred and fifty-four.

XXII. An Act to enable the Collector General of *Dublin* to levy Money to repay a certain Outlay by the Corporation for preserving and improving the port of *Dublin* in and about repairing the Quay Wall of the River *Liffey*, and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River.

XXIII. An Act for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills.

XXIV. An Act for granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.

XXV. An Act to amend the Industrial and Provident Societies Act, 1852.

XXVI. An Act to assimilate the Law and Practice existing in Cases of High Treason in *Ireland* to the Law and Practice existing in Cases of High Treason in *England.*

XXVII. An Act for granting certain additional Rates and Duties of Excise.

XXVIII. An Act to alter and amend certain Duties of Customs.

XXIX. An Act to alter the Duties of Customs on Sugar, Molasses, and Spirits.

XXX. An Act for granting certain Duties of Excise on Sugar made in the United Kingdom.

XXXI. An Act for the better Regulation of the Traffic on Railways and Canals.

XXXII. An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts.

XXXIII. An Act to place Public Statues within the Metropolitan Police District under the Control of the Commissioners of Her Majesty's Works and Public Buildings.

XXXIV. An Act to enable the Courts of Law in *England, Ireland,* and *Scotland* to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

XXXV. An Act to repeal certain Provisions of an Act of the Fifth and Sixth Years of Her present Majesty, concerning the holding of Assizes for the County of *Warwick.*

XXXVI. An Act for preventing Frauds upon Creditors by secret Bills of Sale of Personal Chattels.

XXXVII. An Act for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in *Mauritius.*

XXXVIII. An Act for the Suppression of Gaming Houses.

XXXIX. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

XL. An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.

XLI. An Act to continue the Poor Law Board.

XLII. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland.*

XLIII. An Act to continue an Act of the Seventh Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund.

XLIV. An Act for regulating and maintaining the Harbours of *Holyhead,* and for vesting them in the Admiralty.

XLV. An Act to amend the *Dublin* Carriage Act, 1853.

XLVI. An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland.*

XLVII. An Act to alter and improve the Mode of taking Evidence in the Ecclesiastical Courts in *England* and *Wales.*

XLVIII. An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales.*

XLIX. An Act for the Settlement of Claims upon and over the *New Forest.*

L. An Act to continue an Act of the Twelfth Year of Her present Majesty, for amending the Laws relating to Savings Banks in *Ireland;* and to authorize Friendly Societies to invest the whole of their Funds in Savings Banks.

LI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

LII. An Act to continue an Act for Authorizing the Application of Highway Rates to Turnpike Roads.

LIII. An Act to confirm Provisional Orders of the General Board of Health for the Districts of *Plymouth, Haworth, Aberdare, Bishop Auckland, Willenhall,* and *Over Darwen.*

LIV. An Act to guarantee the Liquidation of a Loan or Loans for the Service of the Colony of *Jamaica.*

LV. An Act for the Registration of Bills of Sale in *Ireland.*

LVI. An Act to make further Provisions in relation to certain Friendly Societies.

LVII. An Act to amend the Law relating to the Appointment of Returning Officers in certain Cases.

LVIII. An Act to continue certain Turnpike Acts in *Great Britain,* and to make further Provisions concerning Turnpike Roads in *England.*

LIX. An Act to allow Verdicts on Trials by Jury in Civil Causes in *Scotland* to be returned although the Jury may not be unanimous.

LX. An Act to amend an Act of the Twelfth and Thirteenth Years of Her present Majesty, for the more effectual Prevention of Cruelty to Animals.

LXI. An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military Asylum.

LXII. An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in *Scotland.*

LXIII. An Act to continue the Poor Law Commission for *Ireland.*

LXIV. An Act to amend an Act of the last Session, for extending the Public Libraries Act, 1850, to *Ireland* and *Scotland.*

LXV. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England.*

LXVI. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

LXVII. An Act to facilitate the Purchase of Common, Commonable, and other Rights by the Principal Officers of Her Majesty's Ordnance.

LXVIII. An Act to provide for the Application of certain Stock purchased with Monies which arose from the Sale of Part of the Land Revenues of the Crown in *Ireland.*

LXIX. An Act to indemnify Local Boards of Health as regards rating for the Repair of Highways under the Public Health Act, 1848, LXX. An Act to enable the Trustees of *Portland* Chapel, *Oxford* Chapel, and *Welbeck* Chapel, in the Parish of *Saint Marylebone*, to augment the Salaries of the Ministers of the said Chapels.

LXXI. An Act to amend the Law concerning the making of Borough Rates in Boroughs not within the Municipal Corporation Acts.

LXXII. An Act to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in *Scotland.*

LXXIII. An Act to amend the Acts for the Regulation of Joint Stock Banks in *Scotland.*

LXXIV. An Act to render Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children.

LXXV. An Act to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases.

LXXVI. An Act for the Formation, Regulation, and Government of Convict Prisons in *Ireland.*

LXXVII. An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to *India*, and for vesting certain Powers in the Governor General of *India* in Council.

LXXVIII. An Act to appoint persons to administer Oaths and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of *England.*

LXXXIX. An Act for further regulating the Sale of Beer and other Liquors on the Lord's Day.

LXXX. An Act to provide for the better Registration of Births, Deaths, and Marriages in *Scotland.*

LXXXI. An Act to make further Provision for the good Government and Extension of the University of *Oxford*, of the Colleges therein, and of the College of *Saint Mary, Winchester.*

LXXXII. An Act further to improve the Administration of Justice in the Court of Chancery of the County Palatine of *Lancaster.*

LXXXIII. An Act to amend the Laws relating to the Stamp Duties.

LXXXIV. An Act to extend the Provisions of the Acts for the Augmentation of Benefices.

LXXXV. An Act for better securing the collecting and accounting for the Land Tax, Assessed Taxes, and Income Tax, by the Collectors thereof.

LXXXVI. An Act for the better Care and Reformation of Youthful Offenders in *Great Britain.*

LXXXVII. An Act to make further Provision for the Burial of the Dead in *England* beyond the Limits of the Metropolis.

LXXXVIII. An Act to render valid certain Marriages of *British* Subjects in *Mexico.*

LXXXIX. An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation, in *Ireland.*

XC. An Act to repeal the Laws relating to Usury and to the Enrolment of Annuities.

XCI. An Act for the Valuation of Lands and Heritages in *Scotland.*

XCII. An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland.*

XCIII. An Act for the Exchange of the Office in *Somerset House* of the Duchy of *Cornwall* for an Office to be erected in *Pimlico* on the Hereditary Possessions of the Crown.

XCIV. An Act to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund.

XCV. An Act to make better Provision for the Administration of the Laws relating to the Public Health.

XCVI. An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares.

XCVII. An Act to amend and extend the Acts for the Inclosure, Exchange, and Improvement of Land.

XCVIII. An Act to regulate the Salaries of the Parochial Schoolmasters of *Scotland.*

XCIX. An Act to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in *Dublin.*

C. An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery.

CI. An Act to continue and amend the Acts now in force relating to Friendly Societies.

CII. An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament.

CIII. An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in *Ireland.*

CIV. An Act to amend and consolidate the Acts relating to Merchant Shipping.

CV. An Act to amend the laws relating to the Militia in *England* and *Wales.*

CVI. An Act for amending the Laws relating to the Militia, and raising a Volunteer Force, in *Scotland.*

CVII. An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in *Ireland.*

CVIII. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

CIX. An Act to defray the Charge of the Pay, Clothing and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Sergeant Majors of the Militia; and to authorise the Employment of the Non-commissioned Officers.

CX. An Act to provide for the Repayment of Monies advanced from the Exchequer to the County of *Mayo* for Public Purposes.

CXI. An Act to continue and amend the Metropolitan Sewers Acts.

CXII. An Act to afford greater Facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation.

CXIII. An Act to amend the Law relating to the Administration of the Estates of deceased Persons.

CXIV. An Act to extend the Rights enjoyed by the Graduates of the Universities of *Oxford* and *Cambridge* in respect to the Practice of

Physic to the Graduates of the University of *London*.

CXV. An Act to amend the Law relative to the Removal of Prisoners in Custody.

CXVI. An Act to continue and amend an Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*.

CXVII. An Act to facilitate the Sale and Transfer of Incumbered Estates in the *West Indies*.

CXVIII. An Act to empower the Legislature of *Canada* to alter the Constitution of the Legislative Council for that Province, and for other Purposes.

CXIX. An Act for Regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.

CXX. An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts.

CXXI. An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and fifty-four, and to appropriate the Supplies granted in this Session of Parliament.

CXXII. An Act for the further Alteration and Amendment of the Laws and Duties of Customs.

CXXIII. An Act to render any Dealing with Securities issued during the present War between *Russia* and *England* by the *Russian* Government a Misdemeanor.

CXXIV. An Act to settle the Contribution to be made by certain Baronies in *Roscommon* and *Galway* and the County of the Town of *Galway* to the *Midland Great Western* Railway of *Ireland* Company.

CXXV. An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at *Westminster*, and of the Superior Courts of Common Law of the Counties Palatine of *Lancaster* and *Durham*.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for better supplying with Gas the Town of *Middleton* and the Neighbourhood thereof in the County Palatine of *Lancaster*.

ii. An Act to enable the *London* Life Association to increase the Amount authorised by their Deed of Settlement to be assured upon a single Life in the said Society.

iii. An Act for granting further Powers to "The *Radcliffe and Pilkington* Gas Company."

iv. An Act to enable the *Leeds* New Gas Company to raise a further Sum of Money; to consolidate and amend the Acts relating to the Company; and for other Purposes.

v. An Act for enabling the *Brighton, Hove, and Preston* Constant Service Waterworks Company to purchase the Undertaking of the *Brighton, Hove, and Preston* Waterworks Company; and for granting to the first-named Company all necessary Powers for supplying with Water the Parishes of *Brighton, Hove, and Preston* in the County of *Sussex*.

vi. An Act for incorporating and extending the Powers of the *Hastings and St. Leonards* Gas Company.

vii. An Act for enabling the *Norwich Equitable* Fire Assurance Company to sue and be sued in that Name, and for other Purposes.

viii. An Act for the Improvement of the Borough of *Warrington;* and for enabling the Council thereof to erect a covered Market; and for other Purposes.

ix. An Act to warp and improve certain Lands in the Level of *Hatfield Chase*.

x. An Act for enabling the *Nottingham* Waterworks Company to raise a further Sum of Money; and for amending some of the Provisions of the Act relating to such Company.

xi. An Act to consolidate the Stock and Powers of the Corporation of "The *Royal Exchange* Assurance of Houses and Goods from Fire" with the Stock and Powers of the Corporation of "The *Royal Exchange* Assurance," and to confer on the last-named Corporation the Powers of "The *Royal Exchange* Assurance Annuity Company" and "The *Royal Exchange* Assurance Loan Company," and to give additional Powers to "The *Royal Exhange* Assurance."

xii. An Act to confer additional Powers upon the Corporation of the *Amicable* Society for a Perpetual Assurance Office, for the Purposes of Investment.

xiii. An Act to enable the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money, and to convert the Mortgage and Bond Debt of the Company into Debenture Stock and Perpetual Annuities; and for other Purposes.

xiv. An Act for establishing a Police Superannuation Fund in the Borough of *Liverpool*.

xv. An Act to make further Provision for the Sewerage, Sanitary Regulation, and Improvement of the Borough of *Liverpool*.

xvi. An Act for better supplying with Water the Town of *Southport* in the County Palatine of *Lancaster*, and the Neighbourhood thereof.

xvii. An Act for supplying with Gas *Ramsbottom* and other Places in the parish of *Bury* in the County Palatine of *Lancaster*.

xviii. An Act to enable the *Rossendale* Waterworks Company to raise a further Sum of Money.

xix. An Act for enabling the *Scarborough* Public Market Company to raise a further Sum of Money, and for amending and consolidating the

Provisions of the Act relating to such Company.

xx. An Act for lighting with Gas the Borough of *Bolton* and Places near thereto, and for other Purposes, and of which the Short Title is "The *Bolton* Gas Company's Act, 1854."

xxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Kingswood* District of Turnpike Roads in the County of *Gloucester*.

xxii. An Act for repealing "The *Stafford* Gas Act, 1846;" and for reconstituting the *Stafford* Gas Company, with additional Powers; and for other Purposes.

xxiii. An Act to enable "The *Burry* Port Company" to raise additional Capital, and to make Arrangements for the Satisfaction of the Mortgage and other Debts due from the Company; and to Amend the Acts relating to the Company; and for other Purposes.

xxiv. An Act to enable the *Whitehaven Junction* Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Railway.

xxv. An Act for improving and maintaining the Harbour or Port of *Port Gordon* in the County of *Banff*.

xxvi. An Act for lighting with Gas *Bacup*, *Waterfoot*, *Newchurch*, *Rawtenstall*, *Crawshaw Booth*, and other Places in the Forest of *Rossendale* in *Lancashire*.

xxvii. An Act for supplying with Water the Town and Municipal Borough of *Clitheroe* in the County of *Lancaster*.

xxviii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to widen certain Streets in and otherwise improve the said City; to raise a further Sum of Money; and for other Purposes.

xxix. An Act to amend an Act intituled *An Act for incorporating the* Madras *Railway Company, and for other Purposes connected therewith.*

xxx. An Act for better supplying the Inhabitants of the Parish of *Harrow* in the County of *Middlesex* with Water.

xxxi. An Act for the Improvement of the City of *Hereford*, and for other Purposes, and of which the Short Title is "The *Hereford* Improvement Act, 1854."

xxxii. An Act for building a Bridge over the River *Tame*, to connect the Borough of *Ashton-under-Lyne* with the Township of *Dukinfield*.

xxxiii. An Act for more effectually lighting with Gas the Town of *Cardiff* and certain Parishes adjacent thereto in the County of *Glamorgan*.

xxxiv. An Act for making and maintaining Docks in the Borough and County of *Newcastle-upon-Tyne*.

xxxv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Weymouth* and *Melcombe Regis* in the County of *Dorset* to provide Market Houses for the Sale of certain marketable Commodities, and to erect and maintain an improved Pier or Landing Place within the Borough; and for other Purposes.

xxxvi. An Act to repeal the Act relating to the *Ridghill and Lanes and Holehouse* Turnpike Road, and to make other Provisions in lieu thereof.

xxxvii. An Act to enable the Company of Proprietors of the *Birmingham* Waterworks to raise further Money.

xxxviii. An Act for the Extension of the *Manchester* Corporation Waterworks, and for other Purposes, and of which the Short Title is "The *Manchester* Corporation Waterworks Act, 1854."

xxxix. An Act to enable the *New River* Company to construct certain Sewers, Drains, and other Works in and near the Town of *Hertford*; and for other Purposes.

xl. An Act for the Improvement of the Town of *Wellington* in the County of *Salop*.

xli. An Act for paving, lighting, watching, draining, cleansing, regulating, and otherwise improving the Town of *West Hartlepool* and part of the Township of *Stranton* in the County of *Durham*; for providing a Cemetery; and for other Purposes.

xlii. An Act to enable the *Brighton and Hove* General Gas Company to raise a further sum of Money; and for other Purposes.

xliii. An Act for granting certain Powers to "The *National* Assurance and Investment Association."

xliv. An Act to amend the Act incorporating the *Great Indian Peninsula* Railway Company, and for other Purposes connected therewith.

xlv. An Act for making new Docks and other Works at *Belfast*, and for other Purposes, and of which the Short Title is "The *Belfast* Dock Act, 1854."

xlvi. An Act for more effectually protecting certain Lands forming Part of the *Rossall* Estate in the Township of *Thornton* in the Parish of *Poulton le Fylde* in the County of *Lancaster* from Inundation by the Sea.

xlvii. An Act to renew the Term and continue certain of the Powers of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* South Shields *to* White Mere Pool, *and from thence to join the* Durham and Newcastle *Turnpike Road at* Vigo Lane, *with a Branch from* Jarrow Slake *to* East Boldon, *all in the County of* Durham.

xlviii. An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads from* Kippings Cross *to* Wilsley Green, *and from a Place near* Goudhurst Gore *to* Stilebridge, *and from* Underden Green *to* Wanshutts Green, *all in the County of* Kent.

xlix. An Act for more effectually paving, lighting, and improving the Town of *Abergavenny* in the County of *Monmouth*, for maintaining the Markets within such Town, and for supplying the same with Water.

l. An Act to create a further Term in the *Buckingham and Towcester* Road, and to amend and extend the Act relating thereto; and for other Purposes.

li. An Act for better supplying with Water the Parish and Environs of *Louth* in the County of *Lincoln*.

lii. An Act for making a Street from *Bothwell Street* to *Saint Vincent Street* in the City of *Glasgow*.

liii. An Act for enabling the *South Staffordshire* Railway Company to make Branch Railways to *Cannock* and *Norton*, to acquire additional Lands in the Parish of *Wednesbury* and for other Purposes.

liv. An Act to incorporate the Guild of Literature and Art, and to enable it to hold Land.

lv. An Act to consolidate and amend the Acts relating to the *Imperial* Gaslight and Coke Company, and to increase the Capital of the Company.

lvi. An Act for improving the Harbour, reconstructing the Pier, and defining the Limits of the Port and Harbour of *Saint Mawes* in the County of *Cornwall.*

lvii. An Act for authorizing the *Newcastle-upon-Tyne and Carlisle* Railway Company to raise further Monies for the Purposes of their Undertaking; and for other Purposes.

lviii. An Act for enabling the *Lancashire and Yorkshire* Railway Company to construct a Railway from *Kirkdale* to the *Liverpool* Docks, with connecting Lines there; and for other Purposes.

lix. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to near *Middleton* in the County of *Lancashire;* and for other Purposes.

lx. An Act for enabling the *Whittle Dean* Water Company to extend their Works, and to obtain a further Supply of Water from certain Rivers and Streams in the County of *Northumberland,* in order to afford a better Supply of Water to the Inhabitants of *Newcastle-upon-Tyne, Gateshead,* and other Places in the Counties of *Northumberland* and *Durham;* and for consolidating and amending the Acts relating to such Company.

lxi. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Stations at *New Cross,* the *Bricklayer's Arms,* and *Norwood;* to widen the Branch Railway called "The *Thames Junction* Railway," and their Main Line of Railway in the Neighbourhood of such Branch; and to increase their Capital, and to establish a Provident Institution for their Servants and Workmen; and for other Purposes.

lxii. An Act to authorize the Parliamentary Trustees on the River *Clyde* and Harbour of *Glasgow* to raise a further Sum of Money, and to fund the Debt of the Trust; and for other Purposes.

lxiii. An Act for repealing an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary, Islington,* in the County of *Middlesex.*

lxiv. An Act for making a Railway from the *Whitehaven and Furness* Junction Railway near *Whitehaven* to *Egremont* in the County of *Cumberland,* with a Branch therefrom to *Frizington* in the same County, to be called the *Whitehaven, Cleator, and Egremont* Railway; and for other Purposes.

lxv. An Act for amending "The *East London* Waterworks Act, 1853."

lxvi. An Act for better supplying with Water the Town of *Padiham* and the Neighbourhood thereof, and the Villages of *Habergham* or *Cheapside* and *Lower Houses* or *Thornhill Holme,* all in the Parish of *Whalley* in the County of *Lancaster.*

lxvii. An Act for the Improvement of the Town of *Burnley* and Parts of the Neighbourhood thereof, and for other Purposes, and of which the Short Title is "The *Burnley* Improvement Act, 1854."

lxviii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway to *Caterham* in the County of *Surrey.*

lxix. An Act for granting further Powers to the *Eastern Union* Railway Company with respect to the Extension to *Woodbridge.*

lxx. An Act to enable the *Stockton, Middlesbrough, and Yarm* Water Company to supply with Water the Township of *Norton* in the County of *Durham,* and the Townships of *Coatham* and *Redcar* in the North Riding of the County of *York,* and other Places on the Line of the Mains and Pipes of the Company; and to enable the Company to raise a further Sum of Money; and to amend the Act relating to the Company; and for other Purposes.

lxxi. An Act to repeal certain Acts relating to the *Petworth* Turnpike Roads, and to make other Provisions in lieu thereof.

lxxii. An Act to enable the *New River* Company to construct new Reservoirs and other Works in the County of *Middlesex.*

lxxiii. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to purchase all or any Estates, Rights, and Interests existing in the Lands or Grounds upon or adjoining to which the Railway of the said Company, called "The *Pontop and South Shields* Railway," has been formed, or otherwise to occupy such Lands or Grounds.

lxxiv. An Act for maintaining the Turnpike Road from *Greenhead,* through *Haltwhistle, Hexham,* and *Corbridge,* to the Military Road near *Shildon Bar,* and the Branch Road from *Corbridge* to *Heddon-on-the-Wall,* all in the County of *Northumberland.*

lxxv. An Act to create a further Term in the *Trowbridge* Roads, to add other Roads to the Trust, to amend and extend the Act relating to the said Roads, and for other Purposes.

lxxvi. An Act to enable the *Furness* Railway Company to raise a further Sum of Money; and for the Amendment of the Acts relating to the said Company.

lxxvii. An Act to make Provision with respect to Water Supply and Police for *Shipley, Baildon,* and *Windhill* in the West Riding of the County of *York.*

lxxviii. An Act to incorporate "The *Kingston-upon-Thames* Gas Company," and to enable them to light with Gas the Parishes of *Kingston, Long Ditton,* and *Thames Ditton* in the County of *Surrey.*

lxxix. An Act for enabling the *Blyth and Tyne* Railway Company to construct Railways to *Tynemouth* and the *Longhirst* Station of the *York, Newcastle, and Berwick* Railway in the County of *Northumberland;* and for consolidating and amending the Acts relating to such Company.

lxxx. An Act to enable the *North London* Railway Company to construct a Station or Depôt near to the New Metropolitan Cattle Market; to raise additional Capital; and for other Purposes.

lxxxi. An Act to repeal an Act for inclosing the Marsh in the Township of *Newport* in the County of *Salop,* and to vest the same and other Property in Trustees for paving, draining, cleansing, and otherwise improving the Town of *Newport;* and for other Purposes.

lxxxii. An Act to amend "The *Nene Valley* Drainage and Navigation Improvement Act, 1852," and to provide additional Funds for carrying out certain of the Improvements authorized by such Act.

lxxxiii. An Act for regulating and improving the Town of *Ryde* in the *Isle of Wight*, and providing a Supply of Gas and Water thereto; and for other Purposes.

lxxxiv. An Act to repeal an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act for more effectually constituting and regulating the Court of Record within the Borough of* Manchester, *and for extending the Jurisdiction of the said Court*, and to extend the Powers and Jurisdiction of the said Court, and to simplify and otherwise improve its Practice and Proceedings; and for other Purposes.

lxxxv. An Act for enabling the *Cornwall* Railway Company to make certain Modifications in their Share Capital; and for other Purposes.

lxxxvi. An Act for making a Turnpike Road from *Chester* by *Farndon* to *Worthenbury*, with a Branch therefrom to the Village of *Farndon*.

lxxxvii. An Act to consolidate and extend the Powers of the *Accrington* Gas and Water Works Company, and to enable them the better to supply with Gas and Water the Townships and Places of *Old Accrington*, *New Accrington*, *Church*, *Lower Booths*, and *Huncoat*, in the Parish of *Whalley*, and the Extra-parochial Place of *Henheads*, all in the County of *Lancaster*, and to sell or lease their Undertaking to the Local Board of Health for the District of *Accrington;* and for other Purposes.

lxxxviii. An Act to establish a General Cemetery for the Borough of *Doncaster*, and for other Purposes.

lxxxix. An Act to extend the Powers of the Commissioners of Sewers for the Levels of *Havering*, *Dagenham*, and other Places, and to enable them to construct Sewers in the Parishes of *West Ham*, *East Ham*, and *North Woolwich*.

xc. An Act for the better supplying with Water the Parliamentary Burgh or Town of *Hamilton* and Suburbs thereof.

xci. An Act to incorporate the *Birmingham and Midland* Institute, to define its Constitution, and to enable the Council of the Borough of *Birmingham* to grant a Site for the Institute Buildings.

xcii. An Act for improving the Harbour of *Blyth* in the County of *Northumberland*, and for constructing Docks there; and for other Purposes.

xciii. An Act to enable the *Crystal Palace* Company to divert certain Roads, and to take and let Land on Lease; and for other Purposes.

xciv. An Act to incorporate "The *Surrey Consumer's* Gaslight and Coke Association," and to enable them to raise further Sums of Money; and for other Purposes.

xcv. An Act to repeal the Acts relating to the Turnpike Road from *Gloucester* through *Painswick* to *Stroud*, and make other Provisions in lieu thereof.

xcvi. An Act to enable the *Cork and Bandon* Railway Company to make a Branch Railway to *Skibbereen*, and to raise further Capital for the *Cork and Bandon* Railway; and for other Purposes.

xcvii. An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the* Wadsley and Langset *Turnpike Road, and extending the same in Two Lines to join the* Huddersfield and Woodhead *Turnpike Road in the Townships of* Upperthong *and* Honley, *in the West Riding of the County of York*, and to continue the Term thereby granted, so far as the said Act and the Term thereby granted relate to the *New Mill* District of Road therein mentioned.

xcviii. An Act to alter the Site of the new Bridge authorised to be erected over the River *Foyle* at *Londonderry*, and to make Approaches thereto.

xcix. An Act for providing Waterworks, Gasworks, and public Baths and Wash-houses for the Town and Borough of *Beccles* in the County of *Suffolk*.

c. An Act to incorporate the *Hull* General Cemetery Company, and to enlarge and improve their Cemetery; and for other Purposes.

ci. An Act for the further Improvement of *Kingston-upon-Hull*, and for other Purposes.

cii. An Act for paving, lighting, watching, draining, supplying with Water, watering, cleansing, regulating, and otherwise improving the Town of *Llandudno* in the County of *Carnarvon*, for making a Cemetery, and for establishing and regulating a Market and Market Places therein; and for other Purposes.

ciii. An Act for more effectually repairing several Roads adjoining or near to the Town of *Bideford*, and for making several Lines of Road connected with the same, all in the County of *Devon*.

civ. An Act for regulating the Police of the Royal Burgh of *Lanark*, and for paving, draining, cleansing, lighting, watching, and improving the same; for regulating the Markets thereof; and for other Purposes.

cv. An Act for more effectually repairing the Roads in the Counties of *Worcester* and *Stafford* known as the *Dudley*, *Halesowen*, and *Bromsgrove* District of Roads.

cvi. An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, called *Tacumshin Lake*, in the County of *Wexford*.

cvii. An Act to authorise the making certain Roads and stopping up certain Lanes and Footways between *Kensington Gore* and *Brompton* in the County of *Middlesex*, and for otherwise facilitating the Formation of a Site for Institutions connected with Science and the Arts.

cviii. An Act for enabling the *Great Western* Railway Company to provide additional Station Accommodation at *Birmingham*, *Wolverhampton*, and *Bushbury ;* and for other Purposes.

cix. An Act to repeal an Act for enlarging the Term and Powers of an Act of His late Majesty *George* the Third, for repairing the Road from *Saint Martin Stamford Baron* to *Kettering*, and from *Oundle* to *Middleton Lane*, in the County of *Northampton*, and to make other Provisions in lieu thereof.

cx. An Act for supplying with Water the Parishes of *Bangor*, *Llandegai*, and *Llanllechid*, and with Gas the Parish of *Bangor*.

cxi. An Act for the Improvement of the Town of *Bethesda* and Neighbourhood in the County of *Carnarvon*.

cxii. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make new Canals and other Works; and for other Purposes.

cxiii. An Act for establishing Parks in or near to the Borough of *Birmingham.*

cxiv. An Act for constructing a Market House and other Buildings for the Public Accommodation at *Chesterfield,* in the County of *Derby,* and for the better Regulation and Maintenance of the Market there.

cxv. An Act for making a Railway from the *Stockton and Darlington* Railway, near *Darlington,* to or near to *Barnard Castle,* both in the County of *Durham,* and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes.

cxvi. An Act for making a Railway from the *Dowlais* Railway to the *Vale of Neath* Railway at *Merthyr Tydfil,* and for other Purposes, and of which the Short Title is "The *Dowlais* Railway Act, 1854."

cxvii. An Act for vesting in the *East Lancashire* Railway Company jointly with the *Lancashire and Yorkshire* Railway Company certain Parts of the *Manchester and Southport* Railway and of the *Lancashire and Yorkshire* Railway; and for other Purposes.

cxviii. An Act to amend "The *Edinburgh* Police Act, 1848," and to make further Provision for Sewerage, Drainage, and Improvement of the City of *Edinburgh,* for deepening and cleansing the Water of *Leith,* and for other Purposes.

cxix. An Act for making a Railway in Deviation and Extension of the *Halesworth, Beccles, and Haddiscoe* Railway from *Westhall Low Common* to *Woodbridge,* and certain Branches therefrom, and for changing the name of the Company to the *East Suffolk* Railway Company.

cxx. An Act to amend the Provisions of certain Acts relating to the *Shrewsbury and Chester* Railway Company, and for other Purposes.

cxxi. An Act to enable the *South Sea* Company to realise and divide their Capital Stock and Assets.

cxxii. An Act for enabling the *South Devon* Railway Company to improve their *Sutton Harbour* Branch, and for other Purposes, and of which the Short Title is "The *South Devon* Railway (*Sutton Harbour* Branch) Act, 1854."

cxxiii. An Act to continue the Term and to amend and extend the Provisions of the Act relating to the *Winchester and Petersfield* Turnpike Road; and for other Purposes.

cxxiv. An Act to make further Provision for supplying with Water the Borough of *Bradford* and certain Places in the Neighbourhood thereof.

cxxv. An Act for the Regulation of the Municipal Corporation of the Borough of *Yeovil* in the County of *Somerset,* and for the Extension of the Boundaries of the said Borough, and for the Improvement of the said Borough.

cxxvi. An Act for the Conservancy and Improvement of *Swansea* Harbour, and for other Purposes, and of which the Short Title is "The *Swansea* Harbour Act, 1854."

cxxvii. An Act for making a Railway from the *Great Northern* Railway at or near *Welwyn,* in the County of *Hertford* to *Hertford* in the same County, to be called the "*Hertford and Welwyn* Junction Railway;" and for other Purposes.

cxxviii. An Act for authorising the *Stockton and Darlington* Railway Company to make new Works, and for other Purposes, and of which the Short Title is "The *Stockton and Darlington* Railway Act, 1854."

cxxix. An Act for better supplying with Water the Borough of *Bradford* in the County of *York.*

cxxx. An Act to authorise certain Improvements in or in connection with the *Lowestoft* Harbour, and for other Purposes.

cxxxi. An Act for constructing a Bridge for Foot Passengers across the River *Clyde* opposite to the North End of *Mac Neil Street* in the City of *Glasgow.*

cxxxii. An Act for making a Railway from the *Great Southern and Western* Railway near *Mallow* to *Fermoy,* to be called "The *Mallow and Fermoy* Railway;" and for other Purposes.

cxxxiii. An Act to alter the Line of the *London, Tilbury, and Southend* Extension Railway, to authorise the Lease thereof, and the Purchase of the Railway and certain Parts of the Works belonging to the *Thames Haven* Dock and Railway Company; and for other Purposes.

cxxxiv. An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of *Edinburgh,* and for other Purposes.

cxxxv. An Act to enable the *Londonderry and Enniskillen* Railway Company to make a Branch Railway to *Fintona,* and to extend their Line at *Londonderry;* and for other Purposes.

cxxxvi. An Act for making a Railway from the *Irish South Eastern* Railway at *Bagenalstown* to *Wexford,* to be called "The *Bagenalstown and Wexford* Railway."

cxxxvii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Brighton, Cuckfield,* and *Lovell Heath,* and *Cuckfield* and *West Grinsted* Turnpike Roads.

cxxxviii. An Act to authorise the Extension by the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company of their Line of Railway into the Town of *Nottingham,* the Formation of a Station there; and for other Purposes.

cxxxix. An Act to give further Powers to the *Law* Life Assurance Society with respect to the Investment of the Funds of the Society.

cxl. An Act to authorise the Trustees of the *Rochdale and Burnley* Turnpike Roads to take Toll in respect of the Carriages of certain Stones.

cxli. An Act for enabling the *North and South Western* Junction Railway Company to raise additional Capital, and for other Purposes.

cxlii. An Act to amend the *Tralee and Killarney* Railway Act, 1853.

cxliii. An Act for making a Railway from *Horncastle* in *Lincolnshire* to the *Kirkstead* Station of the *Great Northern* Railway.

cxliv. An Act for making a Railway from the *Shrewsbury and Hereford* Railway at *Leominster* to *Kingston* in *Herefordshire.*

cxlv. An Act for more effectually repairing the Road from the *Toll House Beck* in the Township of *Ireby* in the County of *Lancaster* to *Kirkby Lonsdale* and *Kirkby Kendall* in the County of *Westmoreland,* and through *Kirkby Lonsdale* to *Milnthorpe* in the said County.

cxlvi. An Act for making a Railway from the *Ayr and Dalmellington* Railway near the *Cot-*

houses on the Farm of *Pleasantfield* to the Town of *Maybole*, to be called "The *Ayr and Maybole Junction* Railway."

cxlvii. An Act for supplying the Township of *Stourbridge* and the Neighbourhood thereof with Water.

cxlviii. An Act for making a Railway from the *Scottish Midland* Junction Railway near *Stanley* to *Birnam* near *Dunkeld* in the County of *Perth.*

cxlix. An Act to authorise the *Shrewsbury and Hereford* Railway Company to provide Station Accommodation in *Shrewsbury* and *Hereford*, and to enter into Arrangements and Agreements with the *Hereford, Ross, and Gloucester* Railway Company.

cl. An Act for making a Railway from the Town of *Llandovery* in the County of *Carmarthen* to join the *Llanelly* Railway at *Llandilofawr* in the same County, and for other Purposes.

cli. An Act to incorporate a Company for making a Railway from near the *Picton* Station on the *Leeds Northern* Railway to near the *Grosmont* Station on the *Whitby and Pickering* Branch of the *York and North Midland* Railway, and for other Purposes.

clii. An Act to repeal the Act relating to the *Thirsk and Yarm* Turnpike Road, and to make other Provisions in lieu thereof, and to grant a further Term in the said Road; and for other Purposes.

cliii. An Act to enable the *Eastern Counties* Railway Company to enlarge and improve their Goods Station in the Parish of *Saint Matthew Bethnal Green* in the County of *Middlesex.*

cliv. An Act to enable the granting Building Leases of Parts of the *Camden Town* Cemetery belonging to the Parish of *Saint Martin in the Fields* not heretofore used for the Purpose of Interment, and for other Purposes.

clv. An Act to enable the *Caledonian* Railway Company to make certain Branch Railways and other Works in the County of *Lanark;* and for other Purposes.

clvi. An Act for altering the Lines authorized by the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851, and for otherwise amending that Act.

clvii. An Act to confer further Powers on the *Dukinfield* Gas Company.

clviii. An Act for enabling the *South Wales* Railway Company to acquire additional Land at *Swansea*, and for enlarging the Powers of Lease or Sale to and Contribution by the *Great Western* Railway Company, and for authorizing Arrangements between the *South Wales* Railway Company and the *Vale of Neath* Railway Company, and for other Purposes.

clix. An Act for the Improvement of the Borough of *Bolton*, and for other Purposes, and of which the Short Title is "*Bolton* Improvement Act, 1854."

clx. An Act for making a Railway from the *Leeds, Bradford, and Halifax Junction* Railway near *Leeds* to *Wakefield*, all in the West Riding of the County of *York*, to be called "The *Bradford, Wakefield, and Leeds* Railway;" and for other Purposes.

clxi. An Act for the Improvement and Regulation of the Town of *Lowestoft*, and the Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley*, in the County of *Suffolk;* and for other Purposes.

clxii. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to construct a Railway in extension of and to alter the Levels of Part of their Railway from *Gildersome Street* to *East Ardsley* in the West Riding of the County of *York;* and for other Purposes.

clxiii. An Act for the better paving, draining, lighting, cleansing, and otherwise improving the Parish of *West Bromwich* in the County of *Stafford*, and for constructing Cemeteries there, and for making, maintaining, and regulating Markets and Market Places therein; and for other Purposes.

clxiv. An Act to confer additional Powers on the *York, Newcastle, and Berwick* Railway Company for constructing Docks at *Jarrow Slake*, and a Branch Railway thereto; and to enable the Dean and Chapter of *Durham* to appropriate a Portion of the Money payable to them for the Purchase of Lands for the same to the Endowment of a Church; and for other Purposes.

clxv. An Act to repeal the Act for more effectually repairing and maintaining the Turnpike Road from *Chapel-en-le-Frith* to or near to *Enterclough Bridge* in the County of *Derby*, and other Roads therein mentioned, in the County of *Derby* and in the County Palatine of *Chester;* and to make other Provisions in lieu thereof.

clxvi. An Act to re-incorporate the Patent Solid Sewage Manure Company, and to extend its Powers.

clxvii. An Act for supplying with Gas the Townships of *Farnworth* and *Kearsley* in the County Palatine of *Lancaster.*

clxviii. An Act to enable the *Bangor and Caernarvon* Railway Company to raise additional Capital, and to authorize the Sale or Lease of the said Company's Railway to the *Chester and Holyhead* Railway Company.

clxix. An Act for the Provision, Regulation, and Maintenance of County Industrial Schools in *Middlesex.*

clxx. An Act for the Embankment, Reclamation, and Drainage of Lands in the Bay of *Bannow* in the County of *Wexford.*

clxxi. An Act to amend the Acts relating to the *Ambergate, Nottingham, and Boston and Eastern Junction* Railway Company, and to authorize the Reduction and Regulation of and certain Arrangements as to the Capital of the said Company; and for other Purposes.

clxxii. An Act for more effectually draining certain Fen Lands and Wet Grounds called "The *Great West Fen*," in the Parish of *Hilgay* in the County of *Norfolk.*

clxxiii. An Act for more effectually repairing the Road from *Stourbridge* in the County of *Worcester* to *Bridgnorth* in the County of *Salop.*

clxxiv. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking.

clxxv. An Act to enable the *Dublin and Wicklow* and the *Dublin and Kingstown* Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes.

clxxvi. An Act for making a Railway from the Town of *Inverness* to the Town of *Nairn.*

clxxvii. An Act to consolidate the several Acts relating to the Port and Harbour of *Londonderry;* for the Improvement of the Navigation of the Lough and River of Lough *Foyle;* and to authorize the Construction of a uniform Line of Quays, Docks, and other Works.

clxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Wapentake of *Ouse* and *Derwent* in the East Riding of the County of *York*, and for other Purposes.

clxxix. An Act to reduce the Capital and define the Undertaking of the *Shropshire* Union Railways and Canal Company.

clxxx. An Act for making a Railway from the Town of *Wells* to join the *Norfolk* Railway at *Fakenham*, to be called "The *Wells and Fakenham* Railway."

clxxxi. An Act to enable the Local Board of Health for the Township of *Darlington* to supply Gas and Water within their District, and to purchase the Works of the *Darlington* Gas and Water Company; to establish and regulate Markets and Slaughter-houses, and a Public Park; to construct Sewage Works, and raise Money; and for other Purposes.

clxxxii. An Act for vesting the *Ardrossan* Railway in the *Glasgow and South-Western* Railway Company, and for other Purposes.

clxxxiii. An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of *Blackburn* all the Powers and Property now vested in "*Blackburn* Improvement Commissioners," and certain Powers and Property by the Private Act of the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Forty-six, vested in the Overseers of the Poor of the Township of *Blackburn*, authorizing the Corporation to purchase the Property of the *Blackburn* Waterworks Company, and conferring on them further Powers for the Improvement and Regulation of the Borough; and for other Purposes.

clxxxiv. An Act for vesting in the *Caledonian* Railway Company certain Portions of the Undertaking of the *General Terminus and Glasgow Harbour* Railway Company.

clxxxv. An Act to enable the *Newport* Dock Company to construct a new Dock and other Works; and for other Purposes.

clxxxvi. An Act to enable the *Portsmouth* Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from *Godalming* to *Shalford;* and for other Purposes.

clxxxvii. An Act to authorize the *Great North of Scotland* Railway, to divert their Railway, to make a short Branch to the *Victoria* Docks at *Aberdeen,* to enter into Arrangements with the *Aberdeen Harbour* Commissioners and the *Aberdeen* Railway Company with respect to a Tramway to connect the Two Railways; and for other Purposes.

clxxxviii. An Act for the more effectual Drainage and Improvement of certain Lands in the Parish of *Methwold* in the County of *Norfolk*, and for other Purposes.

clxxxix. An Act for making a Railway from the *South Devon* Railway near *Plymouth* to *Tavistock*, with a Branch, to be called "The *South Devon and Tavistock* Railway," and for other Purposes.

cxc. An Act for incorporating and regulating a Company to be called "The Royal Conical Flour Mill Company," and to enable the said Company to purchase, work, and use certain Letters Patent; and for other Purposes.

cxci. An Act to enable the *Newport and Pillgwenlly* Waterworks Company to increase and extend their Supply of Water, and to construct new Works; and for other purposes.

cxcii. An Act for authorizing Arrangements with respect to the *South Reserve* at *Birkenhead,* and for other Purposes, and of which the Short Title is "The *Birkenhead* Dock Trustees Act, 1854."

cxciii. An Act for making a Railway from *Rhymney* to a Point of Junction with the *Newport, Abergavenny, and Hereford* Railway near *Bedllewyn,* with a Branch up the *Bargoed Rumney Valley*, to be called "The *Rhymney* Railway;" and for other Purposes.

cxciv. An Act to enable the *North Staffordshire* Railway Company to make a Railway from *Stoke-upon-Trent* to *Congleton,* with Branches therefrom.

cxcv. An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The *Tees* Conservancy and *Stockton* Dock Act, 1852," and for other Purposes relating to the Conservancy of the *Tees*.

cxcvi. An Act for making a Turnpike Road from *Garth-Penbryn* to *Adwyddu* in the County of *Merioneth*, with a Bridge over the Estuary of *Traethbach* in the said County.

cxcvii. An Act to incorporate a Company for the Purpose of lighting with Gas the Parishes of *Tormoham* and *Saint Mary Church* in the County of *Devon*.

cxcviii. An Act for transferring to a Company the Powers vested in the Commissioners under "The *North Shields* Quay Act, 1851."

cxcix. An Act for making a Railway from the Town and Royal Burgh of *Selkirk* to the *Hawick* Branch of the *North British* Railway, about a Mile Southwards from the *Galashiels* Station of the said Branch; and for other Purposes.

cc. An Act for making a Railway from the *London and North-Western* Railway near *Stockport* to *Disley* and *Whaley Bridge*, all in the County of *Chester;* and for other Purposes.

cci. An Act for authorizing the Transfer to the *London and North-Western* Railway Company of the *Haydon Square* Branch of the *London and Blackwall* Railway, and for other Purposes; and of which the Short Title is "The *London and North-Western* Railway Act, 1854."

ccii. An Act for enabling the *Great Western* Railway Company to make a Branch Railway to connect the *Berks and Hants* Railway with the Main Line of the *Great Western* Railway near *Reading;* for extending the Time for Completion of Parts of the *Wilts, Somerset, and Weymouth* Railway, and for reviving the Powers for Purchase of Land for, and for completing other Portions of that Railway; and for other Purposes.

cciii. An Act for limiting the Liability of the Shareholders in the *Electric Telegraph* Company, and for granting additional Powers to such Company.

cciv. An Act for determining the existing Lease of the *West London* Railway to the *London and North-Western* Railway Company, and for enabling the last-mentioned Company and the *West London* Railway Company to enter into fresh Arrangements for the Sale or Lease of the Undertaking of the *West London* Railway Company to the *London and North-Western*

Railway Company, and for the Settlement of all Disputes between the said Companies; and for other Purposes.

ccv. An Act for making a Railway from the Parish of *Saint John the Evangelist* in the City and Liberty of *Westminster* to *Clapham* in the County of *Surrey*, with a Branch from such Railway to join the authorized Line of the *West End of London and Crystal Palace* Railway at *Long Hedge Farm* in the Parish of *Saint Mary Battersea* in the County of *Surrey.*

ccvi. An Act to extend the Powers of the *Cork and Waterford* Railway Company, and to enable them to abandon Part of their Railway to *Waterford*, and the Branch to *Tranmore;* and for other Purposes.

ccvii. An Act to alter the Lines and Levels of the *Stratford-upon-Avon* and *Stourbridge* Branches of the *Oxford, Worcester, and Wolverhampton* Railway; to construct certain Branch Railways and Works connected therewith; to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; and for other Purposes.

ccviii. An Act to authorize Agreements between the *Direct London and Portsmouth* Railway Company and the *Portsmouth* Railway Company, and for winding up the Affairs of the *Direct London and Portsmouth* Railway Company.

ccix. An Act for enabling the *Oxford, Worcester, and Wolverhampton* Railway Company to construct a Branch Line of Railway to the Town of *Chipping Norton* in the County of *Oxford*, and for regulating the Working and Use of the same by such Company.

ccx. An Act to enable the *West End of London and Crystal Palace* Railway Company to make a Railway from *Norwood* to *Bromley* and *Farnborough*, and for other Purposes.

ccxi. An Act to dissolve the *York and North Midland* and *Leeds Northern* Railway Companies, and to vest their Undertakings in the *York, Newcastle, and Berwick* Railway Company, to be thenceforth called "The *North-Eastern* Railway Company," and to alter the Constitution of that Company, and to authorize working Arrangements with the *Malton and Driffield Junction* Railway Company, and the Amalgamation of that Company with such United Company; and for other Purposes.

ccxii. An Act for making a Railway from the *Newcastle-upon-Tyne and Carlisle* Railway, at or near *Hexham* in the County of *Northumberland*, to or near the *Belling* in the Parish of *Falstone* in the same County, to be called "The *Border Counties* Railway (*North Tyne* Section);" and for other Purposes.

ccxiii. An Act for relieving the *Ratcliff* Gaslight and Coke Company, and their Servants and Agents, from certain Penalties and Penal Actions.

ccxiv. An Act to authorize Working Arrangements between the *Ambergate, Nottingham and Boston, and Eastern Junction* Railway Company and the *Great Northern* Railway Company, or Lease or Sale to the last-named Company.

ccxv. An Act for making a Railway from the *London and South-Western* Railway at *Salisbury* to *Yeovil*, and to form a Junction with the Railways at *Yeovil* of the *Great Western* and *Bristol and Exeter* Railway Companies respectively; and for other Purposes.

ccxvi. An Act to repeal and amend the Act for incorporating the *British* Guarantee Association, and to make further Provisions as to the Management and Regulation thereof.

ccxvii. An Act to transfer the *Paisley* Waterworks to the Magistrates and Council of *Paisley*, and to enable them to construct additional Works for supplying *Paisley, Johnstone*, and Places adjacent, with Water.

ccxviii. An Act for making a Railway from the *South Wales* Railway at or near the Borough of *Carmarthen* to the Town of *Newcastle Emlyn*, with a view of being hereafter extended to the Town and Harbour of *Cardigan;* and for other Purposes.

ccxix. An Act to repeal an "Act for better regulating the Poor within the City of *Oxford*," and to grant further and more effectual Powers in lieu thereof; and also to provide for rating to the relief of the Poor certain Hereditaments within the University of *Oxford.*

ccxx. An Act for authorizing and confirming Arrangements and Agreements between the *Eastern Counties* Railway Company and all or any of the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railway Companies, and for other Purposes; and of which the Short Title is "The *Eastern Counties*, and the *Norfolk*, the *Eastern Union*, the *East Anglian*, and the *Newmarket* Railways Act, 1854."

ccxxi. An Act to alter and extend the *North Metropolitan* Railway, and to consolidate and amend the Provisions relating thereto.

ccxxii. An Act to authorise the Consolidation into One Undertaking of the *Great Western*, the *Shrewsbury and Birmingham*, and the *Shrewsbury and Chester* Railways, and the Union into One Company of the Three Several Companies to whom the said Railways respectively belong.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize Sir *William Milborne Milborne Swinnerton* Baronet, and his Issue, to resume and bear the Surname of *Pilkington* jointly with the Surnames of *Milborne* and *Swinnerton*, and to be called by the Surnames of *Milborne Swinnerton Pilkington*, and for such Purposes to repeal in part an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth.

2. An Act to amend "*Fleming's* Estate Act, 1852."

3. An Act for effecting an Extinguishment of the Life Estate and Interest of Mistress *Violetta Masters* and the Trustee of her Marriage Set-

tlement of and in a Freehold Close or Parcel of Land situate in the Parish of *Saint Margaret, Leicester.*

4. An Act to enable the Trustees of the Estates of *Henry Smith* Esquire, deceased, or any Seven or more of them, to grant Building Leases of an Estate in the Parishes of *Kensington, Chelsea,* and *Saint Martin in the Fields,* in the County of *Middlesex,* and for the Confirmation of certain Leases, and to enable Seven or more of the said Trustees to make Leases and Estates, pursuant to the Deed of Uses of the said *Henry Smith;* and for other Purposes.
5. An Act for enlarging the Powers contained in "*Thornhill's* Estate Act, 1852," and for granting further Powers in respect of the *Thornhill* Estate.
6. An Act for authorizing the granting of Building Leases of Lands held under the Will of *William Green* deceased, situated at *Runworth* in the County of *Lancaster.*
7. An Act for granting Powers of Leasing, Sale, and Exchange, and other Powers, for the Management of Freehold, Copyhold, and Leasehold Estates devised by or which now stand limited to the Uses of the Will of the Right Honourable *George Obrien* Earl of *Egremont* deceased.
8. An Act for authorizing the Sale of Estates devised by the Will of *John Fowler* deceased, and for other Purposes; and of which the Short Title is "*Fowler's* Estate Act, 1854."
9. An Act for the Distribution of the Compensation paid under the *London Necropolis and National Mausoleum Act,* 1852, for the Extinction of the Commonable or other Rights over and in *Woking Common,* and whereof the Short Title is "*Woking* Commoners' Act, 1854."
10. An Act to enable certain Persons to grant Leases for Building and Mining Purposes of the Estates in the Parish of *Penderryn* and *Ystradfellte* in the County of *Brecon,* devised by the Will of the Reverend *Reynold Davies* Clerk, deceased.
11. An Act for enabling Sales to be made of Estates at *Manningham* in the Parish of *Bradford,* and at *Idle* in the Parish of *Calverley,* both in the West Riding of the County of *York,* devised by the Will of *William Snell;* and for other Purposes.
12. An Act to incorporate the Craft of Shoemakers of the Burgh of *Aberdeen;* to confirm the Titles and Conveyances, and to regulate the Administration of the Estates and Affairs of the said Craft; and for other Purposes relating to the Society.
13. An Act for enabling Leases, Sales, and Exchanges to be made of Lands subject to the Will of *George Ward* deceased, and for other Purposes, and of which the Short Title is "*Ward's* Estate Act, 1854."
14. An Act for the better Division and Management of certain Estates in the County of *Lancaster,* the Property of *Abraham* and (the late) *Alfred Darby* Esquires.
15. An Act for authorizing the granting of Leases of Mines in Estates in the County of *Glamorgan,* devised by the Will of the Reverend *Reynold Davies* deceased, and for other Purposes, and of which the Short Title is "*Jenkins's* Estate Act, 1854."
16. An Act to enable the Trustees of the Will of *Anthony Wilkinson* Esquire, deceased, to grant Leases.
17. An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford,* and to lay out the Monies to arise from such Sales in the Purchase of other Hereditaments.
18. An Act to authorize the Sale of certain Messuages, Lands, and Hereditaments in the East Riding of the County of *York,* Part of the Estates devised and settled by the Will of *Bertram Osbaldeston Mitford* Esquire, deceased, and for laying out the Money produced by such Sale in the Purchase of other Estates.
19. An Act to enable the Trustees of the Right Honourable *James* Earl of *Fife* deceased, to complete the Sale of the outlying Estate of *Blervie* in the County of *Moray,* and to reinvest the Sale Monies in the Purchase of more convenient Estates, to be settled upon the same Trusts; and for other Purposes.
20. An Act for vesting in Trustees for Sale the settled and devised Estates of *Richard Terrick Stainforth* Esquire, deceased; and for other Purposes.
21. An Act to extend the Time during which the Trustees of the late Sir *Gilbert Stirling* of *Mansfield* Baronet were authorized to purchase Lands to be entailed in the Terms declared by certain Trust Deeds executed by him; to enable the Trustees to purchase within any Part of *Scotland;* to regulate the Powers of borrowing conferred by the said Deeds; and for other Purposes relating thereto.
22. An Act to enable the Trustees of a Settlement executed prior to the Marriage of *Thomas Thornhill,* late of *Fixby* in the County of *York,* Esquire, deceased, with *Honoria Forrester* Spinster, to grant Building and other Leases of the Estates subject to the Trusts of the said Settlement, and to sell and exchange the same; and for other Purposes.
23. An Act for incorporating the Trustees of the School and Charity Estates and Property belonging to the Parish of *Saint Catherine* in the County and County of the City of *Dublin,* for the better Management of such Estates and Property, and for the due and careful Application of the Income of the same.
24. An Act to ascertain the Periods when the Division, under the Church Building Acts, of the Parish of *Stockport* in the County Palatine of *Chester* into the Two distinct and separate Parishes of *Saint Mary* in *Stockport* and *Saint Thomas* in *Stockport* shall take complete Effect, and the Exercise of the Rights of Presentation to the Rectories or Churches of the same Parishes respectively shall commence; and for other Purposes.
25. An Act to extend the Power to lease the Settled Estates of the Earl of *Harrington,* situate in the Parishes of *St. Margaret Westminster* and *St. Mary Abbotts Kensington* in the County of *Middlesex,* and for other Purposes; and to be entitled "The Earl of *Harrington's* Estate Act, 1854."
26. An Act for vesting certain Estates in the County of *Lincoln,* entailed by an Act of Parliament of the Twenty-seventh Year of the Reign of His Majesty King *Henry* the Eighth,

in Trustees, upon trust to sell the same, and to lay out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses as the Estates so sold.

27. An Act for vesting in Trustees, for Sale, under the Authority of the Court of Chancery, an Estate in the County of *Surrey*, acquired by Partition under the Decree of that Court in lieu of those undivided Shares of Freehold Property devised by the Will of *Thomas Bailey Heath Sewell* Esquire, deceased, Trusts of which are declared by that Will for the Benefit of the Testator's Son and his Issue therein described; and for investing the Monies to arise from such Sale for the Benefit of the Parties beneficially interested in the same Estate.

28. An Act to provide for the Winding-up of the Trust Affairs of the late *Hugh* Earl of *Eglinton*, and to amend the Acts relative to *Ardrossan* Harbour in the County of *Ayr;* and for other Purposes.

29. An Act to authorize the granting of Mining and Farming Leases of Estates subject to the Uses of the Will of *Miles Staveley* Esquire.

30. An Act to authorize the granting of Building Leases for long Terms of Years of Parts of the Estates devised by the Will of *Joseph Peel* Esquire, deceased.

31. An Act to authorize the granting of Building and other Leases of the Settled Estates of *Thomas Charles Hornyold* Esquire, in the Counties of *Worcester* and *Hereford;* and for other Purposes.

32. An Act for authorizing the granting of Building, Improving, and Mining Leases by the Reverend *James Allan Park* Clerk, as Tenant for Life in possession, and other Persons in succession after his Death, of Settled Estates at *Marton* in the County of *York*, comprised in an Indenture of Settlement dated the Sixteenth day of *July* One thousand eight hundred and fifty-two; and for other Purposes.

33. An Act for authorizing the granting of Building Leases and Leases for working Brick Earth, of Settled Estates in the County of *Essex*, of the Right Honourable *William Bernard* Lord *Petre* Baron of *Writtle* in the County of *Essex*, and of which Act the Short Title is "The *Petre* Estate Act, 1854."

34. An Act for the Partition of the *Mowbrick* otherwise *Mowbreck* Estate in the County of *Lancaster*.

35. An Act to authorize the Sale or Exchange of the Glebe Land of the Vicarage of the Parish of *Bradford* in the West Riding of the County of *York*, and of other Land in the said Parish of *Bradford*, held in trust for and to be henceforth vested in the Vicar of *Bradford;* and to authorise Leases of the said Lands respectively; and for other Purposes.

36. An Act for enabling the granting of Leases for Mining and other Purposes, and the making of Sales and Exchanges, of certain Part of the Estates devised by the Will and Codicils of Sir *William Foulis* Baronet, deceased.

37. An Act for authorizing the granting of Building, Improving, and Mining Leases of Estates in the Parish of *Rochdale* in the County of *Lancaster*, comprised, as to certain undivided Shares, in the Marriage Settlement of *Marcus Worsley* and *Harriet* his Wife, and devised, as to the other undivided Shares, by the Will of *Sarah Hamer* deceased.

38. An Act to authorize Conveyances in Fee or Demises for long Terms of Years, under reserved Rents, of certain Parts of the Settled Estates of *Charles Richard Banastre Legh* Esquire.

PRIVATE ACTS,

NOT PRINTED.

39. An Act to relieve *Thomas Alexander* Lord *Lovat* Baron *Lovat* of *Lovat* in the County of *Inverness* from the Effect of the Attainder of *Simon* Lord Lovat.

40. An Act to dissolve the Marriage of *Richard Redmond Caton* Esquire with *Anna Maria* his now Wife, and to enable him to marry again; and for other Purposes.

41. An Act to dissolve the Marriage of *Henry Stocker* Schoolmaster with *Sarah Stocker* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES

IN THE SECOND SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM,

17° & 18° VICTORIA,

1854.

EXPLANATION OF THE ABBREVIATIONS.

1*R*. 2*R*. 3*R*. First, Second, or Third Reading.—*Amend*., Amendment.—*Res*., Resolution.—*Com*., Committee.—*Re-Com*., Re-committal.—*Rep*., Report.—*Adj*., Adjourned.—*cl*., Clause.—*add. cl*., Additional Clause.—*neg*., Negatived.— *l*., Lords.—*c*., Commons.—*m. q*., Main Question.—*o. q*., Original Question.—*o. m*., Original Motion. —*p. q*., Previous Question.—*r. p*., Report Progress.—*A*., Ayes.—*N*., Noes.—*M*., Majority.—1*st Div*., 2*nd Div*. First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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ERRATUM.

ERRATUM.—In PROTEST, Vol. 133, page 999, line 6 from bottom, for the word "instant" read "instance."

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